

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1773 Session of 2019

INTRODUCED BY STRUZZI, FARRY, BARRAR, BOBACK, CALTAGIRONE, CIRESI, ECKER, FREEMAN, HEFFLEY, HOHENSTEIN, HOWARD, JAMES, KAUFFMAN, KULIK, MALAGARI, MURT, OWLETT, PYLE, READSHAW, SAINATO, SCHLOSSBERG, SCHMITT, STAATS, ULLMAN, ZABEL, ZIMMERMAN, SCHWEYER, POLINCHOCK, O'MARA, RIGBY, DEASY, DeLUCA, GAYDOS, HELM, DUSH, BURNS, THOMAS, QUINN, GILLEN, KORTZ AND RYAN, AUGUST 30, 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 emergency management services,
3 providing for tuition assistance for active volunteers; and
4 establishing the Active Volunteer Tuition Assistance Program
5 and Active Volunteer Tuition Assistance Fund.

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

8 Section 1. Title 35 of the Pennsylvania Consolidated
9 Statutes is amended by adding a chapter to read:

CHAPTER 79B

TUITION ASSISTANCE FOR ACTIVE VOLUNTEERS

Subchapter

A. Preliminary Provisions

B. Active Volunteer Tuition Assistance Program

SUBCHAPTER A

PRELIMINARY PROVISIONS

1 Sec.

2 79B01. Definitions.

3 § 79B01. Definitions.

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

7 "Active volunteer." A volunteer for a volunteer organization
8 who satisfies the eligibility criteria under section 79B12(a)
9 (relating to eligibility), receives a certificate of eligibility
10 and complies with the requirements of the program.

11 "Agency." The Pennsylvania Higher Education Assistance
12 Agency.

13 "Annual tuition rate." The in-State tuition rate, including
14 a technology tuition fee, established or approved by May 1 of
15 each year by the Board of Governors of the State System of
16 Higher Education.

17 "Approved institution of higher learning." An educational
18 institution offering a postsecondary program of education
19 located in this Commonwealth and approved by the agency.

20 "Approved program of education." A degree-granting or
21 certificate-granting curriculum, course of study or training
22 program required for entrance into a specific career to be
23 pursued on a full-time or part-time basis or its equivalent as
24 determined by the agency, at an approved institution of higher
25 learning.

26 "Certificate of eligibility." A certificate issued by the
27 agency under section 79B12(b) that certifies that an active
28 volunteer satisfies the eligibility criteria under section
29 79B12(a).

30 "Eligible student." An active volunteer who is enrolled in

1 an approved institution of higher learning.

2 "Emergency medical services agency." As defined in section
3 8103 (relating to definitions).

4 "Full-time student." An eligible student pursuing no less
5 than 12 credit hours per semester of an approved program of
6 education or its equivalent that is recognized by the agency as
7 a full-time course of study.

8 "Fund." The Active Volunteer Tuition Assistance Fund
9 established under under section 79B21(a) (relating to Active
10 Volunteer Tuition Assistance Program Fund).

11 "Part-time student." An eligible student pursuing less than
12 12 credit hours per semester of an approved program of education
13 or its equivalent that is recognized by the agency as a
14 part-time course of study.

15 "Program." The Active Volunteer Tuition Assistance Program
16 established under section 79B11 (relating to establishment).

17 "Technology tuition fee." A separate tuition fee established
18 by the Board of Governors of the State System of Higher
19 Education for rendering technology resources and services to
20 enhance student learning experiences.

21 "Tuition assistance." Reimbursement provided by the agency
22 for tuition under the program.

23 "Volunteer fire company." A nonprofit chartered corporation,
24 association or organization located in this Commonwealth that
25 provides fire protection services and may offer other voluntary
26 emergency services within this Commonwealth.

27 "Volunteer organization." A volunteer fire company or
28 emergency medical services agency.

29 SUBCHAPTER B

30 ACTIVE VOLUNTEER TUITION ASSISTANCE PROGRAM

- 1 Sec.
2 79B11. Establishment.
3 79B12. Eligibility.
4 79B13. Tuition assistance.
5 79B14. Promissory note.
6 79B15. Amount of tuition payments.
7 79B16. Limitation on tuition assistance.
8 79B17. Recoupment of tuition assistance payments.
9 79B18. Service records.
10 79B19. Verification of active volunteer status.
11 79B20. Administrative costs.
12 79B21. Active Volunteer Tuition Assistance Program Fund.
13 79B22. Regulations.
14 § 79B11. Establishment.

15 The Active Volunteer Tuition Assistance Program is
16 established within the agency to provide tuition assistance to
17 active volunteers with volunteer organizations who are students
18 at approved institutions of higher learning.

19 § 79B12. Eligibility.

20 (a) Criteria.--Upon submitting an application to participate
21 in the program in accordance with the agency's regulations,
22 rules or guidelines under section 79B22 (relating to
23 regulations), an individual shall be eligible to receive tuition
24 assistance if the individual satisfies all of the following
25 eligibility criteria:

26 (1) Is a resident of this Commonwealth.

27 (2) Is an active volunteer.

28 (3) Has participated in not less than 30% OR, IF THE <--
29 INDIVIDUAL WAS ENROLLED AS A STUDENT IN A HIGH SCHOOL OR IN
30 AN APPROVED PROGRAM OF EDUCATION AT AN APPROVED INSTITUTION

1 OF HIGHER LEARNING WITHIN THE ONE-YEAR PERIOD BEFORE THE
2 INDIVIDUAL SUBMITTED AN APPLICATION TO THE AGENCY FOR TUITION
3 ASSISTANCE, NOT LESS THAN 15% of a volunteer organization's
4 activities within the one-year period before the individual
5 submitted an application to the agency for tuition
6 assistance. The activities may include, but not be limited
7 to, training, drills, emergency response calls,
8 administrative and operational support, fundraising or other
9 events and projects that aid the financial viability of the
10 volunteer organization.

11 (4) Has enrolled as a student in an approved program of
12 education at an approved institution of higher learning.

13 (5) Accepts an obligation to serve as an active
14 volunteer with a volunteer organization for at least one year
15 prior to enrolling in an approved program of education and at
16 least five years after completing an approved program of
17 education.

18 (6) Has signed a promissory note obligating the
19 individual to repay the full amount of tuition assistance
20 received by the individual if the individual fails to satisfy
21 the requirements under the program.

22 (7) Is in good standing with the volunteer organization
23 for which the individual is an active volunteer.

24 (b) Certificate.--The agency shall issue a certificate of
25 eligibility to an individual who satisfies the eligibility
26 criteria under subsection (a).

27 § 79B13. Tuition assistance.

28 From funds appropriated for the program, tuition assistance
29 shall be provided to eligible students to pursue approved
30 programs of education on or after the effective date of this

1 section.

2 § 79B14. Promissory note.

3 Before participating in the program, an individual must sign
4 a promissory note obligating the individual to repay the full
5 amount of the tuition assistance received by the individual if
6 the individual fails to satisfy the requirements under the
7 program as specified under section 79B17 (relating to recoupment
8 of tuition assistance payments).

9 § 79B15. Amount of tuition payments.

10 (a) Full-time students.--Payments of tuition assistance to a
11 full-time student shall be determined by the agency and may not
12 exceed the lesser of the following for an academic year:

13 (1) The tuition rate charged by the approved institution
14 of higher learning for the number of credit hours per
15 semester or its equivalent for the approved program of
16 education in which the full-time student is enrolled.

17 (2) The annual tuition rate charged by an institution
18 within the Pennsylvania State System of Higher Education for
19 the academic year.

20 (b) Part-time students.--Payments of tuition assistance to a
21 part-time student shall be determined by the agency and may not
22 exceed the lesser of the following for an academic year:

23 (1) The tuition rate charged by the approved institution
24 of higher learning for the number of credit hours per
25 semester or its equivalent in which the part-time student is
26 enrolled.

27 (2) The annual tuition rate charged by an institution
28 within the State System of Higher Education for the number of
29 credit hours per semester or its equivalent in which the
30 part-time student is enrolled for the same academic year or

1 period.

2 (c) Limit on charges.--An eligible student who attends an
3 institution within the State System of Higher Education may not
4 be charged tuition exceeding the annual tuition rate.

5 § 79B16. Limitation on tuition assistance.

6 An eligible student shall not receive tuition assistance for
7 a total of more than five academic years or an equivalent amount
8 of time as determined by the agency.

9 § 79B17. Recoupment of tuition assistance payments.

10 (a) Noncompliance.--An individual who fails to satisfy the
11 requirements under the program shall be liable to the
12 Commonwealth for the full amount of tuition assistance received
13 by the individual, unless the failure is a result of an injury
14 while responding to an emergency as an active volunteer that
15 prevents the individual from complying with the requirements
16 under the program. The promissory note under section 79B14
17 (relating to promissory note) shall be repaid by the individual
18 upon demand by the agency on a schedule as the agency may
19 determine.

20 (b) Notice.--A volunteer organization shall notify the
21 agency if an active volunteer fails to satisfy the volunteer
22 requirements under the program.

23 § 79B18. Service records.

24 (a) Logs.--For the purpose of ensuring compliance with the
25 requirements under the program, the chief of a volunteer fire
26 company or the supervisor or chief of an emergency medical
27 services agency or their designees shall establish and maintain
28 a service log that documents the services provided by an active
29 volunteer participating in the program, including a calculation
30 of the amount of time the active volunteer conducts activities

1 with the volunteer organization.

2 (b) Review.--Service logs under subsection (a) shall be
3 subject to periodic review by the agency and the Department of
4 Auditor General for the purpose of ensuring compliance with the
5 requirements under this subchapter.

6 § 79B19. Verification of active volunteer status.

7 (a) Self-certification.--An individual shall sign and submit
8 an application to the chief of a volunteer fire company or the
9 supervisor or chief of the emergency medical services agency to
10 attest that the individual is an active volunteer.

11 (b) Injured volunteer.--Notwithstanding the volunteer
12 requirements under the program, an individual who was injured
13 while responding to an emergency as an active volunteer who can
14 no longer serve as an active volunteer because of the injury and
15 who would otherwise be eligible for the program shall be
16 eligible to participate in the program for five years from the
17 date of the injury.

18 (c) Local sign-off.--The chief and another officer of the
19 volunteer fire company and the supervisor or chief and another
20 officer of the emergency medical services agency shall sign the
21 application attesting that the individual is an active volunteer
22 under subsection (a) or that the individual can no longer serve
23 as an active volunteer due to injury under subsection (b). The
24 application shall then be forwarded to the agency for final
25 review and processing.

26 § 79B20. Administrative costs.

27 The administrative costs of the program for the fiscal year
28 beginning July 1, 2020, and each fiscal year thereafter shall
29 not exceed 3.5% of the total amount of money appropriated to the
30 agency to implement the program.

1 § 79B21. Active Volunteer Tuition Assistance Program Fund.

2 (a) Establishment.--The Active Volunteer Tuition Assistance
3 Program Fund is established as a nonlapsing restricted receipts
4 account in the State Treasury.

5 (b) Appropriation.--Money deposited or transferred into the
6 fund, including any accrued interest, is appropriated to the
7 agency on a continuing basis to implement the program.

8 (c) Administrative actions.--No administrative action shall
9 prevent the deposit or transfer of money into the fund.

10 (d) Use.--Money in the fund may only be used to implement
11 the program. Money in the fund may not be diverted for
12 any other purpose by administrative action.

13 § 79B22. Regulations.

14 The agency shall promulgate regulations and establish rules
15 or guidelines to administer this subchapter.

16 Section 2. This act shall take effect as follows:

17 (1) The addition of 35 Pa.C.S. § 79B21 shall take effect
18 July 1, 2020, or immediately, whichever is later.

19 (2) The addition of 35 Pa.C.S. §§ 79B13 and 79B15 shall
20 take effect August 1, 2020, or immediately, whichever is
21 later.

22 (3) The remainder of this act shall take effect
23 immediately.