
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1791 Session of
2019

INTRODUCED BY T. DAVIS, ROZZI, ECKER, ULLMAN, SAPPEY, HILL-
EVANS, READSHAW, SCHLOSSBERG, BOBACK, FREEMAN, ZIMMERMAN,
PETRARCA, CALTAGIRONE, OTTEN, SCHMITT, CIRESI, McCLINTON,
KIM, ZABEL, DeLUCA, DEASY, SAINATO, KINSEY, THOMAS, WARREN,
HOWARD, DRISCOLL, KORTZ AND YOUNGBLOOD, SEPTEMBER 5, 2019

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, SEPTEMBER 5, 2019

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, providing for the Firefighter
3 Educational Assistance Program; and establishing the
4 Firefighter Educational Assistance Program Fund.

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

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

9 CHAPTER 79B

10 FIREFIGHTER EDUCATIONAL ASSISTANCE

11 Sec.

12 79B01. Definitions.

13 79B02. Program.

14 79B03. Eligibility.

15 79B04. Certification of eligibility.

16 79B05. Grants.

17 79B06. Amount of grants.

1 79B07. Limitations.

2 79B08. Recoupment of grant payments.

3 79B09. Regulations.

4 79B10. Appropriation and administrative costs.

5 79B11. Fund.

6 § 79B01. Definitions.

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

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

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

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

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

25 "Certificate of eligibility." A certificate issued by the
26 State Fire Commissioner that certifies a member's eligibility to
27 receive a grant.

28 "Costs of attendance." Allowable educational expenses, as
29 determined by the agency, that are consistent with the
30 administration of the act of January 25, 1966 (1965 P.L.1546,

1 No.541), referred to as the Higher Education Scholarship Law.

2 "Educational assistance." A benefit earned which shall be
3 granted to an eligible member who has complied with all of the
4 requirements provided for under this chapter.

5 "Eligible member." A member of a fire company who meets the
6 criteria specified in section 79B03 (relating to eligibility)
7 and who has been awarded a certificate of eligibility under
8 section 79B04 (relating to certification of eligibility).

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

11 "Full-time student." An eligible member enrolled in an
12 approved institution of higher learning pursuing an approved
13 program of education equal to or greater than 12 credit hours
14 per semester or its equivalent that is recognized by the agency
15 as a full-time course of study.

16 "Fund." The Firefighter Educational Assistance Program Fund
17 established in section 79B11 (relating to fund).

18 "Grant." An educational assistance grant under this chapter.

19 "Member." A member of a fire company.

20 "Part-time student." An eligible member enrolled in an
21 approved institution of higher learning pursuing an approved
22 program of education of less than 12 credit hours per semester
23 or its equivalent that is recognized by the agency as a part-
24 time course of study.

25 "Program." The Firefighter Educational Assistance Program
26 established in section 79B02 (relating to program).

27 "Promissory note." A written contract signed by a member in
28 which the member promises to repay the awarded grant amount.

29 "Qualified resident." An individual who has been a bona fide
30 resident of this Commonwealth prior to the time an application

1 for a grant is made. The agency shall make the final decision on
2 whether an applicant is a qualified resident.

3 "Service obligation." The service obligation provided for
4 under section 79B03(b)(2) (relating to eligibility).

5 "Technology tuition fee." A separate tuition fee established
6 by the Board of Governors of the State System of Higher
7 Education for rendering technology resources and services to
8 enhance student learning experiences.

9 § 79B02. Program.

10 The Firefighter Educational Assistance Program is established
11 to provide educational assistance to eligible firefighters in
12 the form of grants. The program shall be administered by the
13 State Fire Commissioner in accordance with this chapter.

14 § 79B03. Eligibility.

15 (a) General rule.--A member is eligible to receive a grant
16 if the member meets all of the following eligibility criteria:

17 (1) The member is a qualified resident of this
18 Commonwealth.

19 (2) The member is in good standing with a fire company
20 in this Commonwealth for a minimum service period established
21 by the State Fire Commissioner.

22 (3) The member has completed the required firefighter
23 training established by the State Fire Commissioner.

24 (b) Additional eligibility criteria for full-time
25 educational assistance grants.--In addition to the eligibility
26 criteria specified in subsection (a), a member must meet the
27 following eligibility criteria to qualify for a full-time
28 educational assistance grant:

29 (1) The member does not possess a baccalaureate degree.

30 (2) The member accepts an obligation to serve in a fire

1 company in this Commonwealth for a period of six years from
2 the date of entry into the program.

3 (3) The member has enrolled as a full-time student in an
4 approved program of education at an approved institution of
5 higher learning.

6 § 79B04. Certification of eligibility.

7 The State Fire Commissioner shall certify firefighters as
8 eligible to participate in the program who meet the eligibility
9 criteria set forth in section 79B03 (relating to eligibility)
10 and shall provide the agency with a certificate of eligibility
11 for an eligible member.

12 § 79B05. Grants.

13 (a) General rule.--From the funds appropriated for the
14 purposes of this chapter, grants shall be provided to eligible
15 members for the purpose of pursuing approved programs of
16 education.

17 (b) Promissory notes.--Upon receipt of a grant, an eligible
18 member shall sign a promissory note obligating the eligible
19 member to repay the full amount of the grant in accordance with
20 section 79B08(a) (relating to recoupment of grant payments) if
21 the eligible member fails to fulfill the service obligation or
22 to meet other requirements under this chapter.

23 § 79B06. Amount of grants.

24 (a) Full-time educational assistance grants.--Grants awarded
25 to full-time students shall be determined by the agency without
26 regard to financial need and shall not exceed for each academic
27 year the lesser of:

28 (1) the tuition rate of the approved institution of
29 higher learning for the number of credit hours per semester
30 or its equivalent for the approved program of education in

1 which the eligible member is enrolled; or

2 (2) the annual tuition rate charged by a State System of
3 Higher Education institution for the academic year.

4 (b) Part-time educational assistance grants.--Grants awarded
5 to part-time students who may or may not possess a baccalaureate
6 degree shall be determined by the agency without regard to
7 financial need and shall not exceed for each academic year or
8 period the lesser of:

9 (1) the tuition charged by the approved institution of
10 higher learning for the number of credit hours per semester
11 or its equivalent in which the eligible member is enrolled;
12 or

13 (2) the annual tuition rate charged by a State System of
14 Higher Education institution for the number of credit hours
15 per semester or its equivalent in which the eligible member
16 is enrolled for the same academic year or period.

17 (c) Other grants and financial aid.--

18 (1) The agency shall not reduce the amount of other
19 agency grants or aid for which the eligible member qualifies
20 on account of the eligible member's eligibility for or
21 receipt of grants under this chapter.

22 (2) Prior to making a grant, the approved institution of
23 higher learning shall first consider any Federal tuition
24 assistance received by the eligible member and shall award a
25 grant if the eligible member requires additional financial
26 aid to cover the costs of attendance for an approved program
27 of education. A grant shall be paid or refunded to the
28 eligible member for the costs of attendance. Grants
29 authorized under this chapter shall be reduced so that the
30 total of all Federal and State aid does not exceed 100% of

1 the costs of attendance.

2 (d) Adjustments.--If the agency and the State Fire
3 Commissioner determine that the amount appropriated for the
4 program in any year will be insufficient to provide grants in
5 the amounts set forth in this section to all eligible members,
6 the agency and the State Fire Commissioner may reduce the
7 maximum amount of the grants proportionately or set a limit on
8 the number of participants to ensure that sums expended do not
9 exceed appropriations.

10 (e) Limit on charges.--Eligible members attending a State
11 System of Higher Education institution shall not be charged
12 additional tuition above the annual tuition rate.

13 § 79B07. Limitations.

14 (a) Time.--No eligible member shall be eligible for full-
15 time or part-time educational assistance or a combination
16 thereof under this chapter for a total of more than five
17 academic years or their equivalent as determined by the agency.

18 (b) Limit on tuition.--At no time may a State System of
19 Higher Education institution charge an eligible member more than
20 the in-State rate.

21 § 79B08. Recoupment of grant payments.

22 (a) General rule.--An eligible member who fails to meet the
23 service obligation or to meet other requirements established by
24 the State Fire Commissioner or the agency is liable to the
25 Commonwealth for repayment of all or part of any grant payments
26 made. The State Fire Commissioner shall notify the agency if an
27 eligible member fails to complete the service obligation, and
28 the promissory note under section 79B05(b) (relating to grants)
29 shall be repaid by the eligible member upon demand by the agency
30 on a schedule as the agency may determine.

1 (b) Forgiveness of recoupment.--The State Fire Commissioner
2 shall notify the agency and the agency shall forgive recoupment
3 of all or part of an eligible member's grant payments if the
4 State Fire Commissioner determines that the eligible member's
5 failure to fulfill the service obligation is the result of one
6 of the following:

7 (1) Death or disability.

8 (2) Medical determination that the eligible member is
9 medically unable to perform the member's duties as a
10 firefighter when the medical condition is outside the
11 member's control and is not due to the member's misconduct.

12 (3) The existence of other compelling circumstances that
13 warrant forgiveness.

14 § 79B09. Regulations.

15 The State Fire Commissioner and the agency may promulgate
16 regulations to carry out the provisions of this chapter.

17 § 79B10. Appropriation and administrative costs.

18 (a) Appropriation.--Beginning with the 2020-2021 fiscal
19 year, the General Assembly shall appropriate funds to pay full-
20 time and part-time educational assistance grants. A portion of
21 the money appropriated may be used to pay the costs of the
22 administration of this chapter.

23 (b) Limitation.--Administrative costs for the fiscal year
24 beginning on July 1, 2020, and each fiscal year thereafter,
25 shall not exceed 3.5% of the total amount of funds appropriated.

26 § 79B11. Fund.

27 (a) Establishment.--The Firefighter Educational Assistance
28 Program Fund is established as a special nonlapsing fund in the
29 State Treasury.

30 (b) Appropriation.--All money deposited into the fund and

1 the interest the fund accrues are appropriated to the State Fire
2 Commissioner on a continuing basis to be used for the purposes
3 provided for under this chapter.

4 (c) Administrative action prohibited.--No administrative
5 action shall prevent the deposit of money into the fund in the
6 fiscal year in which the money is received.

7 (d) Use.--The fund may only be used for the purposes
8 provided for under this chapter, and no money in the fund may be
9 transferred or diverted to any other purpose by administrative
10 action.

11 Section 2. This act shall take effect immediately.