

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 369

Session of
2007

INTRODUCED BY FAIRCHILD, MELIO, BEYER, PAYNE, CAUSER, ARGALL, BAKER, BELFANTI, BOYD, CALTAGIRONE, CAPPELLI, COHEN, DALEY, EVERETT, FABRIZIO, FREEMAN, GEIST, GEORGE, GILLESPIE, GINGRICH, GOODMAN, GRELL, GRUCELA, HARHAI, HARRIS, HENNESSEY, HERSHEY, HESS, HICKERNELL, HUTCHINSON, KILLION, MAJOR, MARKOSEK, MARSICO, McILHATTAN, MICOZZIE, MILLARD, R. MILLER, MUNDY, MURT, NAILOR, O'NEILL, PETRARCA, PETRI, PETRONE, PHILLIPS, PYLE, RAPP, REICHLEY, ROAE, SAINATO, SCAVELLO, SIPTROTH, SONNEY, STABACK, TRUE, VEREB, WALKO, WOJNAROSKI, YOUNGBLOOD AND DENLINGER, FEBRUARY 13, 2007

AS REPORTED FROM COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 23, 2007

AN ACT

1 Amending the act of June 24, 1976 (P.L.424, No.101), entitled,
2 as amended, "An act providing for the payment of death
3 benefits to the surviving spouse or children or parents of
4 firefighters, ambulance service or rescue squad members, law
5 enforcement officers or National Guard members who die as a
6 result of the performance of their duties," further providing
7 for the payment of death benefits to members of emergency
8 personnel teams.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 1(a), (a.1), (c) and (d) of the act of
12 June 24, 1976 (P.L.424, No.101), referred to as the Emergency
13 and Law Enforcement Personnel Death Benefits Act, amended or
14 added April 12, 2002 (P.L.213, No.20) and October 6, 2005
15 (P.L.319, No.59), are amended to read:

16 Section 1. (a) In the event a law enforcement officer,

1 ambulance service or rescue squad member, firefighter, certified
2 hazardous material response team member or National Guard member
3 dies as a result of the performance of his duties, such
4 political subdivision, Commonwealth agency or, in the case of
5 National Guard members, the Adjutant General, within 30 days
6 from the date of death, shall submit certification of such death
7 to the Commonwealth.

8 (a.1) A firefighter, ambulance service or rescue squad
9 member, law enforcement officer, certified hazardous material
10 response team member or National Guard member who suffers a
11 fatal heart attack or stroke while on duty or not later than 24
12 hours after participating in a physical training exercise or
13 responding to an emergency is presumed to have died as a result
14 of the performance of his duties for purposes of this act.

15 * * *

16 (c) A volunteer ambulance service, certified hazardous
17 material response team or rescue squad member shall be deemed to
18 be acting in the performance of his duties for the purposes of
19 this act going to or directly returning from an emergency which
20 the ambulance service, certified hazardous material response
21 team or rescue squad attended including travel from and direct
22 return to an ambulance service, certified hazardous material
23 response team or rescue squad member's home, place of business
24 or other place where he or she shall have been when he or she
25 received the call or alarm or while participating in drills in
26 which the ambulance service, certified hazardous material
27 response team or rescue squad shall have participated or while
28 repairing or doing other work about or on any emergency vehicle
29 or buildings and grounds of the ambulance service, certified
30 hazardous material response team or rescue squad upon the

1 authorization of the chief of the ambulance service, certified
2 hazardous material response team or rescue squad or other person
3 in charge while answering any emergency calls for any purpose or
4 while riding upon any vehicles which are owned or used by the
5 ambulance service, certified hazardous material response team or
6 rescue squad.

7 (d) Upon receipt of such certification, the Commonwealth
8 shall, from moneys payable out of the General Fund, pay to the
9 political subdivision the sum of \$100,000, adjusted in
10 accordance with subsection (f) of this section. If the deceased
11 was a member of a team organized under a Commonwealth agency,
12 the death benefit shall be paid to the Commonwealth agency
13 instead of the political subdivision. Within five days of
14 receipt of said sum from the Commonwealth, the political
15 subdivision or Commonwealth agency shall pay such sum as a
16 benefit to the surviving spouse, or if there is no surviving
17 spouse, to the minor children of the firefighter, ambulance
18 service, certified hazardous material response team member or
19 rescue squad member or law enforcement officer who died as a
20 result of the performance of his duty. When no spouse or minor
21 children survive, the benefit shall be paid to the parent or
22 parents of such firefighter, ambulance service, certified
23 hazardous material response team member or rescue squad member
24 or law enforcement officer.

25 * * *

26 Section 2. Section 2 of the act is amended by adding an
27 introductory paragraph and ~~a definition~~ DEFINITIONS to read: <—

28 Section 2. The following words and phrases when used in this
29 act shall have the meanings given to them in this section unless
30 the context clearly indicates otherwise:

"Certified hazardous material response team member" means a person who is part of a group of individuals who are certified and organized by a Commonwealth agency, a local agency or a regional hazardous material organization for the primary purpose of providing emergency response services WHICH IS DISPATCHED BY A PUBLIC SAFETY ANSWERING POINT to mitigate actual or potential immediate threats to public health and the environment in response to the release or threat of a release of a hazardous material, which is certified, trained and equipped in accordance with the act of December 7, 1990 (P.L.639, No.165), known as the Hazardous Material Emergency Planning and Response Act.

Hazardous material response team members WHO ARE DISPATCHED BY A PUBLIC SAFETY ANSWERING POINT may also be certified to perform stabilization actions needed to remove threats to public health and the environment from hazardous material releases. A MEMBER OF A FOR-PROFIT HAZARDOUS MATERIAL RESPONSE TEAM THAT WAS NOT DISPATCHED BY A PUBLIC SAFETY ANSWERING POINT, IS ACTING AS AN AGENT ON BEHALF OF THE SPILLER OR RESPONSIBLE PARTY OR IS RESPONSIBLE FOR POST-EMERGENCY OR NONEMERGENCY RESPONSE HAZARDOUS MATERIALS/HAZARDOUS WASTE CLEAN-UP ACTIVITIES IS NOT ELIGIBLE FOR COMPENSATION THAT IS PROVIDED FOR UNDER THIS ACT.

* * *

"PUBLIC SAFETY ANSWERING POINT" MEANS THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY-APPROVED FIRST POINT AT WHICH CALLS FOR EMERGENCY ASSISTANCE FROM INDIVIDUALS ARE ANSWERED, OPERATED 24 HOURS A DAY.

Section 3. This act shall take effect in 60 days.