

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1520

Session of
2001

INTRODUCED BY NAILOR, SEMMEL, LUCYK, MARSICO, ADOLPH, M. BAKER, BARD, BARRAR, BELARDI, BELFANTI, BROWNE, BUNT, CALTAGIRONE, CAPPABIANCA, CAPPELLI, CLYMER, L. I. COHEN, CORRIGAN, COY, CRUZ, DALEY, DERMODY, EGOLF, FICHTER, FLICK, FRANKEL, FREEMAN, GABIG, GEIST, GEORGE, HARHAI, HARHART, HASAY, HENNESSEY, HERSHEY, HESS, HORSEY, KENNEY, LEDERER, LEH, MAITLAND, MAJOR, MANN, MAYERNIK, McCALL, McILHATTAN, R. MILLER, S. MILLER, PALLONE, PHILLIPS, PIPPY, PISTELLA, ROBERTS, ROHRER, ROSS, RUBLEY, SAINATO, SAMUELSON, SATHER, SAYLOR, SCHULER, SHANER, B. SMITH, SOLOBAY, STABACK, STERN, SURRA, E. Z. TAYLOR, J. TAYLOR, THOMAS, TRAVAGLIO, WALKO, WATERS, WATSON, WILT, WOJNAROSKI, YOUNGBLOOD, YUDICHAK, ZUG, MACKERETH, LEWIS, STEELMAN, TRELLO, JAMES AND GORDNER, MAY 3, 2001

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 16, 2001

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 or
5 law enforcement officers killed in the performance of their
6 duties," extending benefits to certain National Guard
7 members.

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

10 Section 1. The title of the act of June 24, 1976 (P.L.424,
11 No.101), referred to as the Emergency and Law Enforcement
12 Personnel Death Benefits Act, amended October 16, 1981 (P.L.295,
13 No.102), is amended to read:

14 AN ACT

1 Providing for the payment of death benefits to the surviving
2 spouse or children or parents of firefighters, ambulance
3 service or rescue squad members [or], law enforcement
4 officers or National Guard members killed in the performance
5 of their duties.

6 Section 2. Sections 1 and 2.1 of the act, amended or added
7 December 27, 1994 (P.L.1373, No.161), are amended to read:

8 Section 1. (a) In the event a law enforcement officer,
9 ambulance service or rescue squad member [or], firefighter or
10 National Guard member is killed in the performance of his
11 duties, such political subdivision, OR IN THE CASE OF NATIONAL <—
12 GUARD MEMBERS, THE ADJUTANT GENERAL, within 30 days from the
13 date of death shall submit certification of such death to the
14 Commonwealth.

15 (b) A volunteer firefighter shall be deemed to be acting in
16 the performance of his duties for the purposes of this act going
17 to or directly returning from a fire which the fire company or
18 fire department attended including travel from and direct return
19 to a firefighter's home, place of business or other place where
20 he or she shall have been when he or she received the call or
21 alarm or while participating in instruction fire drills in which
22 the fire department or fire company shall have participated or
23 while repairing or doing other work about or on the fire
24 apparatus or buildings and grounds of the fire company or fire
25 department upon the authorization of the chief of the fire
26 company or fire department or other person in charge or while
27 answering any emergency calls for any purpose or while riding
28 upon the fire apparatus which is owned or used by the fire
29 company or fire department or while performing any other duties
30 of such fire company or fire department as authorized by the

1 municipality or while performing duties imposed by section 15,
2 act of April 27, 1927 (P.L.465, No.299), referred to as the Fire
3 and Panic Act.

4 (c) A volunteer ambulance service or rescue squad member
5 shall be deemed to be acting in the performance of his duties
6 for the purposes of this act going to or directly returning from
7 an emergency which the ambulance service or rescue squad
8 attended including travel from and direct return to an ambulance
9 service or rescue squad member's home, place of business or
10 other place where he or she shall have been when he or she
11 received the call or alarm or while participating in drills in
12 which the ambulance service or rescue squad shall have
13 participated or while repairing or doing other work about or on
14 any emergency vehicle or buildings and grounds of the ambulance
15 service or rescue squad upon the authorization of the chief of
16 the ambulance service or rescue squad or other person in charge
17 while answering any emergency calls for any purpose or while
18 riding upon any vehicles which are owned or used by the
19 ambulance service or rescue squad.

20 (d) Upon receipt of such certification, the Commonwealth
21 shall, from moneys payable out of the General Fund, pay to the
22 political subdivision the sum of \$50,000, adjusted in accordance
23 with subsection (f) of this section. Within five days of receipt
24 of said sum from the Commonwealth, the political subdivision
25 shall pay such sum as a benefit to the surviving spouse, or if
26 there is no surviving spouse, to the minor children of the
27 firefighter, ambulance service or rescue squad member ~~for~~ law <—
28 enforcement officer ~~or National Guard member~~ killed in the <—
29 performance of duty. When no spouse or minor children survive,
30 the benefit shall be paid to the parent or parents of such

1 firefighter, ambulance service or rescue squad member ~~for~~ law <—
2 enforcement officer ~~or National Guard member~~. <—

3 (e) The Commonwealth of Pennsylvania shall pay out of the
4 General Fund to the surviving spouse, or, if there is no
5 surviving spouse, the minor children of a NATIONAL GUARD MEMBER, <—
6 State police officer or other law enforcement officer of the
7 Commonwealth killed in the performance of his duties the sum of
8 \$50,000, adjusted in accordance with subsection (f) of this
9 section. When no spouse or minor children survive, the benefit
10 shall be paid to the parent or parents of such NATIONAL GUARD <—
11 MEMBER, State police officer or other law enforcement officer of
12 the Commonwealth. The benefit shall be payable whether or not
13 the NATIONAL GUARD MEMBER OR officer was killed within the <—
14 Commonwealth of Pennsylvania.

15 (f) On July 1 of each fiscal year beginning after January 1,
16 1995, the Commonwealth shall adjust the level of the benefit
17 payable immediately before July 1 under subsections (d) and (e)
18 of this section to reflect the annual percentage change in the
19 Consumer Price Index for All Urban Consumers, published by the
20 United States Department of Commerce, Bureau of Labor
21 Statistics, occurring in the one-year period ending on January 1
22 immediately preceding July 1.

23 (g) A National Guard member shall be deemed to be acting in
24 the performance of his duties for the purposes of this act when <—
25 going to or directly returning from a period of active State
26 duty for emergency which is ordered by the Governor as
27 Commander in Chief in accordance with 51 Pa.C.S. § 508 (relating
28 to active State duty for emergency). WHEN: <—

29 (1) HIS DEATH OCCURS IN AN OFFICIAL DUTY STATUS
30 AUTHORIZED UNDER 51 PA.C.S. § 508 (RELATING TO ACTIVE STATE

1 DUTY FOR EMERGENCY); OR

2 (2) GOING DIRECTLY TO OR FROM THE PLACE OF SUCH DUTIES.

3 Section 2.1. This act shall be broadly construed to grant
4 benefits to firefighters, ambulance service or rescue squad
5 members [or], law enforcement officers or National Guard
6 personnel for deaths related to the performance of their duties.

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

<—

8 IMMEDIATELY.

<—