

## AMENDMENTS TO SENATE BILL NO. 556

Sponsor: SENATOR MUTH

Printer's No. 585

1 Amend Bill, page 1, line 12, by inserting after "amended"  
2 and the section is amended

3 Amend Bill, page 1, line 14, by striking out "\* \* \*" and  
4 inserting

5 (a) In the event a law enforcement officer, ambulance  
6 service or rescue squad member, firefighter, certified hazardous  
7 material response team member, member of the Pennsylvania Civil  
8 Air Patrol or National Guard member dies as a result of the  
9 performance of his or her duties, an application, including a  
10 certification of death, shall be made to the department within  
11 three years of the date of such death by any of the following:

12 (1) A political subdivision.

13 (2) A Commonwealth agency.

14 (3) In the case of National Guard members, the Adjutant  
15 General.

16 (4) In the case of a member of a Commonwealth law  
17 enforcement agency, the agency head.

18 (5) In the case of a campus police officer, the university  
19 or college president.

20 (6) Any survivor eligible for payment of benefits under this  
21 act or individual authorized to act on the survivor's behalf.

22 (7) In the case of the Pennsylvania Civil Air Patrol, the  
23 State Commander.

24 (a.1) A firefighter, ambulance service or rescue squad  
25 member, law enforcement officer, certified hazardous material  
26 response team member, member of the Pennsylvania Civil Air  
27 Patrol or National Guard member who suffers a fatal heart attack  
28 or stroke while on duty or not later than 24 hours after  
29 participating in a physical training exercise or responding to  
30 an emergency is presumed to have died as a result of the  
31 performance of his or her duties for purposes of this act.

32 (b) A volunteer firefighter shall be deemed to be acting in  
33 the performance of his or her duties for the purposes of this  
34 act going to or directly returning from a fire which the fire  
35 company or fire department attended including travel from and  
36 direct return to a firefighter's home, place of business or  
37 other place where he or she shall have been when he or she

1 received the call or alarm or while participating in instruction  
2 fire drills in which the fire department or fire company shall  
3 have participated or while repairing or doing other work about  
4 or on the fire apparatus or buildings and grounds of the fire  
5 company or fire department upon the authorization of the chief  
6 of the fire company or fire department or other person in charge  
7 or while answering any emergency calls for any purpose or while  
8 riding upon the fire apparatus which is owned or used by the  
9 fire company or fire department or while performing any other  
10 duties of such fire company or fire department as authorized by  
11 the municipality or while performing duties imposed by section  
12 15, act of April 27, 1927 (P.L.465, No.299), referred to as the  
13 Fire and Panic Act.

14 (c) A volunteer ambulance service, certified hazardous  
15 material response team or rescue squad member or member of the  
16 Pennsylvania Civil Air Patrol shall be deemed to be acting in  
17 the performance of his or her duties for the purposes of this  
18 act going to or directly returning from an emergency which the  
19 ambulance service, certified hazardous material response team,  
20 rescue squad or member of the Pennsylvania Civil Air Patrol  
21 attended including travel from and direct return to an ambulance  
22 service, certified hazardous material response team, rescue  
23 squad or Pennsylvania Civil Air Patrol member's home, place of  
24 business or other place where he or she shall have been when he  
25 or she received the call or alarm or while participating in  
26 drills in which the ambulance service, certified hazardous  
27 material response team, rescue squad or Pennsylvania Civil Air  
28 Patrol shall have participated or while repairing or doing other  
29 work about or on any emergency vehicle or buildings and grounds  
30 of the ambulance service, certified hazardous material response  
31 team, rescue squad or Pennsylvania Civil Air Patrol upon the  
32 authorization of the chief of the ambulance service, certified  
33 hazardous material response team, rescue squad or Pennsylvania  
34 Civil Air Patrol or other person in charge while answering any  
35 emergency calls for any purpose or while riding upon any  
36 vehicles which are owned or used by the ambulance service,  
37 certified hazardous material response team, rescue squad or  
38 Pennsylvania Civil Air Patrol.

39 (d) Upon receipt of such certification, the Commonwealth  
40 shall, from moneys payable out of the General Fund, pay to the  
41 surviving spouse or, if there is no surviving spouse, to the  
42 minor children of the paid firefighter, ambulance service or  
43 rescue squad member or law enforcement officer who died as a  
44 result of the performance of his or her duty the sum of  
45 \$100,000, adjusted in accordance with subsection (f) of this  
46 section and an amount equal to the monthly salary, adjusted in  
47 accordance with subsection (f) of this section, of the deceased  
48 paid firefighter, ambulance service or rescue squad member or  
49 law enforcement officer, less any workers' compensation or  
50 pension or retirement benefits paid to such survivors, and shall  
51 continue such monthly payments until there is no eligible

1 beneficiary to receive them. For the purpose of this subsection,  
2 the term "eligible beneficiary" means the surviving spouse or  
3 the child or children under the age of eighteen years or, if  
4 attending college, under the age of twenty-three years, of the  
5 firefighter, ambulance service or rescue squad member or law  
6 enforcement officer who died as a result of the performance of  
7 his or her duty. When no spouse or minor children survive, a  
8 single sum of \$100,000, adjusted in accordance with subsection  
9 (f) of this section, shall be paid to the parent or parents of  
10 such firefighter, ambulance service member, rescue squad member  
11 or law enforcement officer.

12 (e) The Commonwealth of Pennsylvania shall pay out of the  
13 General Fund to the surviving spouse or, if there is no  
14 surviving spouse, the minor children of a National Guard member,  
15 certified hazardous material response team member, member of the  
16 Pennsylvania Civil Air Patrol, volunteer firefighter, ambulance  
17 service or rescue squad member who died as a result of the  
18 performance of his or her duties the sum of \$100,000, adjusted  
19 in accordance with subsection (f) of this section. When no  
20 spouse or minor children survive, the benefit shall be paid to  
21 the parent or parents of such National Guard member, certified  
22 hazardous material response team member, member of the  
23 Pennsylvania Civil Air Patrol, volunteer firefighter, ambulance  
24 service or rescue squad member. The benefit shall be payable  
25 whether or not the National Guard member or certified hazardous  
26 material response team member, member of the Pennsylvania Civil  
27 Air Patrol, volunteer firefighter, ambulance service or rescue  
28 squad member died as a result of the performance of his or her  
29 duty within the Commonwealth of Pennsylvania.

30 (f) On July 1, 2006, and each July 1 thereafter, the  
31 Commonwealth shall adjust the level of the benefit payable  
32 immediately before July 1 under subsections (d) and (e) of this  
33 section to reflect the annual percentage change in the Consumer  
34 Price Index for All Urban Consumers, published by the United  
35 States Department of Commerce, Bureau of Labor Statistics,  
36 occurring in the one-year period ending on January 1 immediately  
37 preceding July 1.

38 (g) A National Guard member shall be deemed to be acting in  
39 the performance of his or her duties for the purposes of this  
40 act when:

41 (1) his or her death occurs in an official duty status  
42 authorized under 51 Pa.C.S. § 508 (relating to active State  
43 duty for emergency); or

44 (2) going directly to or from the place of such duties.