

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1049 Session of
1999

INTRODUCED BY WAUGH, WAGNER, COSTA, KITCHEN, DENT, O'PAKE,
TILGHMAN, EARLL, MADIGAN, HELFRICK, SALVATORE, GERLACH,
MOWERY, LEMMOND, STOUT, HART, WHITE, LOEPER, MELLOW,
TOMLINSON, BELL, BRIGHTBILL, MUSTO AND SLOCUM, JULY 23, 1999

REFERRED TO EDUCATION, JULY 23, 1999

AN ACT

1 Amending the act of December 16, 1998 (P.L.980, No.129),
2 entitled "An act providing for a waiver of tuition and other
3 fees for children of certain deceased police officers,
4 National Guard members, firefighters and correction employees
5 at community colleges and State-owned and State-related
6 institutions of higher education and for additional powers
7 and duties of the Pennsylvania Higher Education Assistance
8 Agency and the Department of General Services," extending
9 coverage to emergency personnel.

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

12 Section 1. The title and section 1 of the act of December
13 16, 1998 (P.L.980, No.129), known as the Police Officer,
14 Firefighter, Correction Employee and National Guard Member Child
15 Beneficiary Education Act, are amended to read:

AN ACT

17 Providing for a waiver of tuition and other fees for children of
18 certain deceased [police officers, National Guard members,
19 firefighters and correction employees at community colleges
20 and State-owned and State-related institutions of higher

education] public servants and for additional powers and duties of the Pennsylvania Higher Education Assistance Agency and the Department of General Services.

Section 1. Short title.

This act shall be known and may be cited as the [Police Officer, Firefighter, Correction Employee and National Guard Member] Public Servant Child Beneficiary Education Act.

Section 2. Section 2 of the act is amended by adding definitions to read:

Section 2. Definitions.

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

* * *

"Emergency management." As defined in 35 Pa.C.S. § 7102 (relating to definitions).

"Emergency management worker." An individual who is actively involved in emergency management. The term includes a volunteer.

"Emergency medical technician." As defined in section 3 of the act of July 3, 1985 (P.L.164, No.45), known as the Emergency Medical Services Act.

"Emergency medical technician-paramedic." As defined in section 3 of the act of July 3, 1985 (P.L.164, No.45), known as the Emergency Medical Services Act.

* * *

"Public servant." Any correction employee, emergency management worker, emergency medical technician, emergency medical technician-paramedic, firefighter, member of the National Guard or police officer.

1 * * *

2 Section 3. Section 3 of the act is amended to read:

3 Section 3. Postsecondary Educational Gratuity Program.

4 (a) Establishment.--There is hereby established the
5 Postsecondary Educational Gratuity Program for children of
6 [police officers, firefighters, correction employees and
7 National Guard members] public servants of this Commonwealth who
8 are killed while acting in the performance of their duties.

9 (b) Eligibility.--

10 (1) Police officers shall be deemed to have been killed
11 in the performance of their duties if death results from job-
12 related injuries sustained or inflicted while performing any
13 of the following:

14 (i) Answering an emergency call.

15 (ii) Conducting interrogations of crime suspects or
16 interrogations pursuant to a response to an emergency
17 call.

18 (iii) Conducting vehicle stops for traffic
19 violations.

20 (iv) Actively responding to requests for assistance
21 from the public.

22 (v) Maintaining order and security at the scene of
23 an emergency.

24 (2) Firefighters shall be deemed to have been killed in
25 the performance of their duties if death results from job-
26 related injuries sustained or inflicted while performing any
27 of the following:

28 (i) Being present at the scene of a fire or going to
29 and from a fire. In the case of volunteer firefighters,
30 going to and from a fire shall include traveling from and

1 directly returning to the firefighter's home, place of
2 business or other location where the firefighter was when
3 the fire call or alarm was received for a fire which the
4 firefighter's volunteer fire company attended.

5 (ii) Answering an emergency call.

6 (iii) Maintaining order and security at the scene of
7 an emergency.

8 (3) A member of the National Guard shall be deemed to
9 have been killed in the performance of his or her duties if
10 his or her death results from performance of a duty required
11 by his or her orders or commander while in an official duty
12 status other than on Federal active duty.

13 (4) Correction employees shall be deemed to have been
14 killed in the performance of their duties if death results
15 from job-related injuries sustained or inflicted while
16 maintaining order and security or otherwise carrying out
17 their duties at a correctional facility.

18 (4.1) An emergency management worker shall be deemed to
19 have been killed in the performance of duty if death results
20 from injuries sustained while performing duties at a site
21 disaster by a political subdivision under 35 Pa.C.S. §
22 7501(b) (relating to general authority of political
23 subdivisions) or at a site where the Pennsylvania Emergency
24 Management Agency has been activated and dispatched through
25 the county emergency system.

26 (4.2) An emergency medical technician or an emergency
27 medical technician-paramedic shall be deemed to have been
28 killed in the performance of duty if death results from job-
29 related injuries sustained or inflicted while performing any
30 of the following:

1 (i) Being present at the scene of an emergency or
2 going to and from an emergency. In the case of a
3 volunteer, going to and from an emergency shall include
4 traveling from and directly returning to the individual's
5 home, place of business or other location where the
6 individual was when the emergency call was received.

7 (ii) Answering an emergency call.

8 (iii) Maintaining order and security at the scene of
9 an emergency.

10 As used in subparagraphs (i) through (iii), the term
11 "emergency" has the meaning given in section 3 of the act of
12 July 3, 1985 (P.L.164, No.45), known as the Emergency Medical
13 Services Act.

14 (5) Notwithstanding the provisions of this section,
15 deaths which occur as the direct and proximate result of
16 preexisting physical conditions, diseases or illnesses shall
17 be excluded from eligibility under this section.

18 (6) Any child of a [police officer, firefighter,
19 correction employee or National Guard member] public servant
20 killed in the performance of his or her duties shall be
21 eligible for an educational gratuity provided the child is 25
22 years of age or younger at the time of application for
23 participation in this program, meets all admission
24 requirements of the community college or State-owned or
25 State-related institution to which application is made and is
26 enrolled as a full-time student at a community college or a
27 State-owned or State-related institution.

28 (7) A child who is 25 years of age or younger at the
29 time of the child's application for participation in this
30 program and who meets all other eligibility requirements may

1 receive an educational gratuity for up to five years provided
2 the child otherwise continues to be eligible for
3 participation.

4 (c) Scope of benefit.--

5 (1) The benefit available under this section shall be
6 provided only for full-time students who are pursuing
7 undergraduate studies leading to an associate degree or a
8 baccalaureate degree.

9 (2) A child becomes eligible for this benefit after he
10 or she has applied for available scholarships and Federal and
11 State grants to cover tuition and room and board costs. The
12 child must provide a record of application for such financial
13 aid to the community college or State-owned or State-related
14 institution to which he or she is applying.

15 (3) A community college or a State-owned or State-
16 related institution shall waive all remaining tuition and
17 room and board charges (total tuition, room and board and
18 fees minus awarded scholarships and Federal and State grants)
19 for an eligible child during the time the child is enrolled
20 as a full-time student provided the child meets all
21 requirements for admission to the community college or State-
22 owned or State-related institution and during the child's
23 enrollment complies with all requirements of the institution
24 for continued attendance and award of an associate degree or
25 a baccalaureate degree.

26 (d) Administration.--

27 (1) Copies of all police officer and firefighter death
28 certifications received by the Department of General Services
29 under the act of June 24, 1976 (P.L.424, No.101), referred to
30 as the Emergency and Law Enforcement Personnel Death Benefits

1 Act, shall be provided by the Department of General Services
2 to PHEAA within 20 days of their receipt.

3 (2) Written notification of the death of any correction
4 employee killed in the performance of his or her duties shall
5 be submitted to PHEAA by the Secretary of Corrections within
6 20 days of the death of the employee.

7 (2.1) Written notification of death of an emergency
8 medical technician killed in the performance of duty or an
9 emergency medical technician-paramedic killed in the
10 performance of duty shall be submitted to PHEAA by the Board
11 of Directors of the Pennsylvania Emergency Health Services
12 Council within 20 days of the death of the individual.

13 (3) Written notification of the death of any member of
14 the National Guard killed in the performance of his or her
15 duties shall be submitted to PHEAA by the Adjutant General of
16 the Department of Military and Veterans Affairs within 20
17 days of the death of the National Guard member.

18 (3.1) Written notification of the death of an emergency
19 management worker killed in the performance of duty shall be
20 submitted to PHEAA by the Director of the Pennsylvania
21 Emergency Management Agency within 20 days of the death of
22 the worker.

23 (4) Applications for an educational gratuity shall be
24 submitted to PHEAA by the child or the surviving parent or
25 guardian of the child, together with a certified copy of the
26 child's birth certificate or adoption record or other
27 documentation of birth or adoption acceptable to PHEAA. The
28 application shall include a copy of the child's letter of
29 acceptance at a community college or a State-owned or State-
30 related institution. If no death certification has been

1 received from the Department of General Services, Secretary
2 of Corrections or Adjutant General of the Department of
3 Military and Veterans Affairs, PHEAA may elect to accept
4 other documentation certifying that the child's parent was a
5 police officer, firefighter, correction employee or National
6 Guard member killed during the performance of his or her
7 duties.

8 (5) Within 30 days of receipt of a completed
9 application, PHEAA shall send written notice to the child and
10 the community college or State-owned or State-related
11 institution of the child's eligibility or noneligibility for
12 participation in this program. If the child is determined not
13 to be eligible for an educational gratuity, the notice shall
14 include the reason or reasons for such determination and an
15 indication that an appeal of PHEAA's determination may be
16 made pursuant to 2 Pa.C.S. (relating to administrative law
17 and procedure).

18 (6) Upon receipt of notification of the child's
19 eligibility from PHEAA, a community college or a State-owned
20 or State-related institution is prohibited from charging the
21 child or the child's parent or guardian any tuition fee or
22 room and board charge. If moneys have been received by the
23 community college or the State-owned or State-related
24 institution for these purposes, those moneys must be refunded
25 in full within 30 days of receipt by the community college or
26 the State-owned or State-related institution of the notice of
27 the child's eligibility.

28 (7) Each community college or State-owned or State-
29 related institution at which an eligible child is enrolled
30 shall notify PHEAA upon the child's graduation or when the

1 child is no longer enrolled at the community college or
2 State-owned or State-related institution.
3 Section 4. This act shall take effect in 60 days.