

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

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS, FEBRUARY 13, 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 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:

1       "Certified hazardous material response team member" means a  
2 person who is part of a group of individuals who are certified  
3 and organized by a Commonwealth agency, a local agency or a  
4 regional hazardous material organization for the primary purpose  
5 of providing emergency response services to mitigate actual or  
6 potential immediate threats to public health and the environment  
7 in response to the release or threat of a release of a hazardous  
8 material, which is certified, trained and equipped in accordance  
9 with the act of December 7, 1990 (P.L.639, No.165), known as the  
10 Hazardous Material Emergency Planning and Response Act.  
11 Hazardous material response team members may also be certified  
12 to perform stabilization actions needed to remove threats to  
13 public health and the environment from hazardous material  
14 releases.

15       \* \* \*

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