

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1985 Session of 2009

INTRODUCED BY FAIRCHILD, PERZEL, ADOLPH, BELFANTI, BEYER, CASORIO, CAUSER, CLYMER, CREIGHTON, EVERETT, FARRY, FLECK, GEIST, GEORGE, GIBBONS, GILLESPIE, GINGRICH, GROVE, GRUCELA, HARHAI, HARHART, HESS, HORNAMAN, HUTCHINSON, KNOWLES, KOTIK, LONGIETTI, MAJOR, MANN, MARSICO, METZGAR, MICOZZIE, MILLER, MILNE, MOUL, MURT, O'NEILL, PETRARCA, PHILLIPS, PYLE, QUINN, RAPP, READSHAW, REICHLEY, ROHRER, SEIP, SIPTROTH, K. SMITH, SOLOBAY, STABACK, STERN, SWANGER, TALLMAN, THOMAS, VEREB, VULAKOVICH, WATSON AND YOUNGBLOOD, SEPTEMBER 17, 2009

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, SEPTEMBER 17, 2009

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 the
8 Pennsylvania Civil Air Patrol.

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 July
14 2, 2007 (P.L.68, No.21), are amended to read:

15 Section 1. (a) In the event a law enforcement officer,
16 ambulance service or rescue squad member, firefighter, certified
17 hazardous material response team member, member of the

1 Pennsylvania Civil Air Patrol or National Guard member dies as a
2 result of the performance of his duties, such political
3 subdivision, Commonwealth agency or, in the case of National
4 Guard members, the Adjutant General, within 30 days from the
5 date of death, shall submit certification of such death to the
6 Commonwealth.

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

15 * * *

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

1 repairing or doing other work about or on any emergency vehicle
2 or buildings and grounds of the ambulance service, certified
3 hazardous material response team, member of the Pennsylvania
4 Civil Air Patrol or rescue squad upon the authorization of the
5 chief of the ambulance service, certified hazardous material
6 response team, member of the Pennsylvania Civil Air Patrol or
7 rescue squad or other person in charge while answering any
8 emergency calls for any purpose or while riding upon any
9 vehicles which are owned or used by the ambulance service,
10 certified hazardous material response team, member of the
11 Pennsylvania Civil Air Patrol or rescue squad.

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

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2 Section 2. This act shall take effect in 60 days.