

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.