

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1479 Session of  
2007

INTRODUCED BY HARPER, MURT, J. TAYLOR, VEREB, WATSON, R. TAYLOR,  
BEAR, DENLINGER, FABRIZIO, GODSHALL, JAMES, MELIO, STEIL AND  
THOMAS, JUNE 5, 2007

REFERRED TO COMMITTEE ON FINANCE, JUNE 5, 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 death benefit eligibility; and repealing certain  
8 provisions of the Municipal Police Pension Law and the  
9 Municipal Pension Plan Funding Standard and Recovery Act.

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

12 Section 1. Section 1 of the act of June 24, 1976 (P.L.424,  
13 No.101), referred to as the Emergency and Law Enforcement  
14 Personnel Death Benefits Act, amended April 2, 2002 (P.L.213,  
15 No.20) and October 6, 2005 (P.L.319, No.59), is amended to read:

16 Section 1. (a) In the event a law enforcement officer,  
17 ambulance service or rescue squad member, firefighter or  
18 National Guard member dies as a result of the performance of his  
19 duties, such political subdivision or, in the case of National  
20 Guard members, the Adjutant General or, in the case of a member  
21 of a Commonwealth law enforcement agency, the agency head,

1 within 30 days from the date of death, shall submit  
2 certification of such death to the Commonwealth.

3 (a.1) A firefighter, ambulance service or rescue squad  
4 member, law enforcement officer or National Guard member who  
5 suffers a fatal heart attack or stroke while on duty or not  
6 later than 24 hours after participating in a physical training  
7 exercise or responding to an emergency is presumed to have died  
8 as a result of the performance of his duties for purposes of  
9 this act.

10 (b) A volunteer firefighter shall be deemed to be acting in  
11 the performance of his duties for the purposes of this act going  
12 to or directly returning from a fire which the fire company or  
13 fire department attended including travel from and direct return  
14 to a firefighter's home, place of business or other place where  
15 he or she shall have been when he or she received the call or  
16 alarm or while participating in instruction fire drills in which  
17 the fire department or fire company shall have participated or  
18 while repairing or doing other work about or on the fire  
19 apparatus or buildings and grounds of the fire company or fire  
20 department upon the authorization of the chief of the fire  
21 company or fire department or other person in charge or while  
22 answering any emergency calls for any purpose or while riding  
23 upon the fire apparatus which is owned or used by the fire  
24 company or fire department or while performing any other duties  
25 of such fire company or fire department as authorized by the  
26 municipality or while performing duties imposed by section 15,  
27 act of April 27, 1927 (P.L.465, No.299), referred to as the Fire  
28 and Panic Act.

29 (c) A volunteer ambulance service or rescue squad member  
30 shall be deemed to be acting in the performance of his duties

1 for the purposes of this act going to or directly returning from  
2 an emergency which the ambulance service or rescue squad  
3 attended including travel from and direct return to an ambulance  
4 service or rescue squad member's home, place of business or  
5 other place where he or she shall have been when he or she  
6 received the call or alarm or while participating in drills in  
7 which the ambulance service or rescue squad shall have  
8 participated or while repairing or doing other work about or on  
9 any emergency vehicle or buildings and grounds of the ambulance  
10 service or rescue squad upon the authorization of the chief of  
11 the ambulance service or rescue squad or other person in charge  
12 while answering any emergency calls for any purpose or while  
13 riding upon any vehicles which are owned or used by the  
14 ambulance service or rescue squad.

15 (d) Upon receipt of such certification, the Commonwealth  
16 shall, from moneys payable out of the General Fund, pay to the  
17 [political subdivision] surviving spouse or, if there is no  
18 surviving spouse, to the minor children of the paid firefighter,  
19 ambulance service or rescue squad member or law enforcement  
20 officer who died as a result of the performance of his duty the  
21 sum of \$100,000, adjusted in accordance with subsection (f) of  
22 this section[. Within five days of receipt of said sum from the  
23 Commonwealth, the political subdivision shall pay such sum as a  
24 benefit to the surviving spouse, or if there is no surviving  
25 spouse, to the minor children of the firefighter, ambulance  
26 service or rescue squad member or law enforcement officer who  
27 died as a result of the performance of his duty.], and an amount  
28 equal to the monthly salary, adjusted in accordance with  
29 subsection (f) of this section, of the deceased paid  
30 firefighter, ambulance service or rescue squad member or law

1 enforcement officer, less any workers' compensation or pension  
2 or retirement benefits paid to such survivors, and shall  
3 continue such monthly payments until there is no eligible  
4 beneficiary to receive them. When no spouse or minor children  
5 survive, [the benefit] a single sum of \$100,000, adjusted in  
6 accordance with subsection (f) of this section, shall be paid to  
7 the parent or parents of such firefighter, ambulance service or  
8 rescue squad member or law enforcement officer.

9 (e) The Commonwealth of Pennsylvania shall pay out of the  
10 General Fund to the surviving spouse or, if there is no  
11 surviving spouse, the minor children of a National Guard member,  
12 [State police officer or other law enforcement officer of the  
13 Commonwealth] volunteer firefighter, ambulance service or rescue  
14 squad member who died as a result of the performance of his  
15 duties the sum of \$100,000, adjusted in accordance with  
16 subsection (f) of this section. When no spouse or minor children  
17 survive, the benefit shall be paid to the parent or parents of  
18 such National Guard member, [State police officer or other law  
19 enforcement officer of the Commonwealth] volunteer firefighter,  
20 ambulance service or rescue squad member. The benefit shall be  
21 payable whether or not the National Guard member or [officer]  
22 volunteer firefighter, ambulance service or rescue squad member  
23 died as a result of the performance of his duty within the  
24 Commonwealth of Pennsylvania.

25 (f) On July 1, 2006, and each July 1 thereafter, the  
26 Commonwealth shall adjust the level of the benefit payable  
27 immediately before July 1 under subsections (d) and (e) of this  
28 section to reflect the annual percentage change in the Consumer  
29 Price Index for All Urban Consumers, published by the United  
30 States Department of Commerce, Bureau of Labor Statistics,

1 occurring in the one-year period ending on January 1 immediately  
2 preceding July 1.

3 (g) A National Guard member shall be deemed to be acting in  
4 the performance of his duties for the purposes of this act when:

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

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

9 Section 2. Repeals are as follows:

10 (1) The General Assembly declares that the repeals under  
11 paragraph (2) are necessary to effectuate the amendment of  
12 section 1 of the act.

13 (2) The following parts of acts are repealed:

14 (i) Section 5(e)(2) of the act of May 29, 1956 (1955  
15 P.L.1804, No.600), referred to as the Municipal Police  
16 Pension Law.

17 (ii) Section 202(b)(3)(vi) and (4)(vi) of the act of  
18 December 18, 1984 (P.L.1005, No.205), known as the  
19 Municipal Pension Plan Funding Standard and Recovery Act.

20 Section 3. The Commonwealth shall reimburse any municipal  
21 pension plan for any benefits paid to survivors under section  
22 5(e)(2) of the act of May 29, 1956 (1955 P.L.1804, No.600),  
23 referred to as the Municipal Police Pension Law, and shall  
24 assume all obligations to continue the payment of the benefits  
25 into the future, relieving the municipality and its police  
26 pension fund of any liability for the payment or actuarial  
27 reporting of the benefits.

28 Section 4. This act shall take effect in 60 days.