

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1112 Session of
2007

INTRODUCED BY LOGAN, FONTANA, TARTAGLIONE, RAFFERTY, ERICKSON,
MUSTO, LAVALLE, COSTA, PUNT, KITCHEN, STOUT, WOZNIAK, FERLO,
WONDERLING, C. WILLIAMS AND REGOLA, OCTOBER 25, 2007

REFERRED TO LABOR AND INDUSTRY, OCTOBER 25, 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 authorized

1 survivor or the agency head, within [30] 90 days from the date
2 of death, shall submit certification of such death to the
3 Commonwealth.

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

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

30 (c) A volunteer ambulance service or rescue squad member

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

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

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

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

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

1 States Department of Commerce, Bureau of Labor Statistics,
2 occurring in the one-year period ending on January 1 immediately
3 preceding July 1.

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

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

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

10 Section 2. Repeals are as follows:

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

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

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

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

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

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