

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, REGOLA, BROWNE AND PIPPY,
OCTOBER 25, 2007

SENATOR GORDNER, LABOR AND INDUSTRY, AS AMENDED, JUNE 17, 2008

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

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

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

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

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

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

1 subsection (f) of this section, of the deceased paid
2 firefighter, ambulance service or rescue squad member or law
3 enforcement officer, less any workers' compensation or pension
4 or retirement benefits paid to such survivors, and shall
5 continue such monthly payments until there is no eligible
6 beneficiary to receive them. FOR THE PURPOSE OF THIS SUBSECTION, <—
7 THE TERM "ELIGIBLE BENEFICIARY" MEANS THE SURVIVING SPOUSE OR
8 THE CHILD OR CHILDREN UNDER THE AGE OF EIGHTEEN YEARS OR, IF
9 ATTENDING COLLEGE, UNDER THE AGE OF TWENTY-THREE YEARS, OF THE
10 FIREFIGHTER, AMBULANCE SERVICE OR RESCUE SQUAD MEMBER OR LAW
11 ENFORCEMENT OFFICER WHO DIED AS A RESULT OF THE PERFORMANCE OF
12 HIS DUTY. When no spouse or minor children survive, [the
13 benefit] a single sum of \$100,000, adjusted in accordance with
14 subsection (f) of this section, shall be paid to the parent or
15 parents of such firefighter, ambulance service or rescue squad
16 member or law enforcement officer.

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

1 died as a result of the performance of his duty within the
2 Commonwealth of Pennsylvania.

3 (f) On July 1, 2006, and each July 1 thereafter, the
4 Commonwealth shall adjust the level of the benefit payable
5 immediately before July 1 under subsections (d) and (e) of this
6 section to reflect the annual percentage change in the Consumer
7 Price Index for All Urban Consumers, published by the United
8 States Department of Commerce, Bureau of Labor Statistics,
9 occurring in the one-year period ending on January 1 immediately
10 preceding July 1.

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

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

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

17 Section 2. Repeals are as follows:

18 (1) The General Assembly declares that the repeals under
19 paragraph (2) are necessary to effectuate the amendment of
20 section 1 of the act.

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

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

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

28 ~~Section 3. The Commonwealth shall reimburse any municipal~~ <—
29 ~~pension plan for any benefits paid to survivors under section~~
30 ~~5(e)(2) of the act of May 29, 1956 (1955 P.L.1804, No.600),~~

1 ~~referred to as the Municipal Police Pension Law, and shall~~
2 ~~assume all obligations to continue the payment of the benefits~~
3 ~~into the future, relieving the municipality and its police~~
4 ~~pension fund of any liability for the payment or actuarial~~
5 ~~reporting of the benefits.~~

6 Section 4 3. This act shall take effect in 60 days.

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