

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 369 Session of  
2009

INTRODUCED BY LOGAN, TARTAGLIONE, KITCHEN, FONTANA, ERICKSON,  
ALLOWAY, RAFFERTY, BROWNE, WONDERLING, MUSTO, COSTA, PIPPY,  
FERLO, STACK, FARNESE, WARD, WASHINGTON AND ORIE,  
FEBRUARY 20, 2009

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, OCTOBER 1, 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 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), October 6, 2005 (P.L.319, No.59) and July 2, 2007 (P.L.  
16 68, No.21), is amended to read:

17 Section 1. (a) In the event a law enforcement officer,  
18 ambulance service or rescue squad member, firefighter, certified  
19 hazardous material response team member or National Guard member

1 dies as a result of the performance of his duties, such  
2 political subdivision, Commonwealth agency or, in the case of  
3 National Guard members, the Adjutant General, or, in the case of  
4 a member of a Commonwealth law enforcement agency, the  
5 authorized survivor or the agency head, within [30] 90 days from  
6 the date of death, shall submit certification of such death to  
7 the Commonwealth.

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

15 (b) A volunteer firefighter shall be deemed to be acting in  
16 the performance of his duties for the purposes of this act going  
17 to or directly returning from a fire which the fire company or  
18 fire department attended including travel from and direct return  
19 to a firefighter's home, place of business or other place where  
20 he or she shall have been when he or she received the call or  
21 alarm or while participating in instruction fire drills in which  
22 the fire department or fire company shall have participated or  
23 while repairing or doing other work about or on the fire  
24 apparatus or buildings and grounds of the fire company or fire  
25 department upon the authorization of the chief of the fire  
26 company or fire department or other person in charge or while  
27 answering any emergency calls for any purpose or while riding  
28 upon the fire apparatus which is owned or used by the fire  
29 company or fire department or while performing any other duties  
30 of such fire company or fire department as authorized by the

1 municipality or while performing duties imposed by section 15,  
2 act of April 27, 1927 (P.L.465, No.299), referred to as the Fire  
3 and Panic Act.

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

25 (d) Upon receipt of such certification, the Commonwealth  
26 shall, from moneys payable out of the General Fund, pay to the  
27 [political subdivision] surviving spouse or, if there is no  
28 surviving spouse, to the minor children of the paid firefighter,  
29 ambulance service or rescue squad member or law enforcement  
30 officer who died as a result of the performance of his duty the

1 sum of \$100,000, adjusted in accordance with subsection (f) of  
2 this section[. If the deceased was a member of a team organized  
3 under a Commonwealth agency, the death benefit shall be paid to  
4 the Commonwealth agency instead of the political subdivision.  
5 Within five days of receipt of said sum from the Commonwealth,  
6 the political subdivision or Commonwealth agency shall pay such  
7 sum as a benefit to the surviving spouse, or if there is no  
8 surviving spouse, to the minor children of the firefighter,  
9 ambulance service member, certified hazardous material response  
10 team member, rescue squad member or law enforcement officer who  
11 died as a result of the performance of his duty.], and an amount  
12 equal to the monthly salary, adjusted in accordance with  
13 subsection (f) of this section, of the deceased paid  
14 firefighter, ambulance service or rescue squad member or law  
15 enforcement officer, less any workers' compensation or pension  
16 or retirement benefits paid to such survivors, and shall  
17 continue such monthly payments until there is no eligible  
18 beneficiary to receive them. For the purpose of this subsection,  
19 the term "eligible beneficiary" means the surviving spouse or  
20 the child or children under the age of eighteen years or, if  
21 attending college, under the age of twenty-three years, of the  
22 firefighter, ambulance service or rescue squad member or law  
23 enforcement officer who died as a result of the performance of  
24 his duty. When no spouse or minor children survive, [the  
25 benefit] a single sum of \$100,000, adjusted in accordance with  
26 subsection (f) of this section, shall be paid to the parent or  
27 parents of such firefighter, ambulance service member, certified  
28 hazardous material response team member, rescue squad member or  
29 law enforcement officer.

30 (e) The Commonwealth of Pennsylvania shall pay out of the

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

16 (f) On July 1, ~~†2006†~~2010, and each July 1 thereafter, the  
17 Commonwealth shall adjust the level of the benefit payable  
18 immediately before July 1 under subsections (d) and (e) of this  
19 section to reflect the annual percentage change in the Consumer  
20 Price Index for All Urban Consumers, published by the United  
21 States Department of Commerce, Bureau of Labor Statistics,  
22 occurring in the one-year period ending on January 1 immediately  
23 preceding July 1.

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

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

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

30 Section 2. Repeals are as follows:

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

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

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

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

11 Section 3. This act shall take effect immediately.