
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 49 Session of
2015

INTRODUCED BY SAINATO, BARRAR, COHEN, MILLARD, KOTIK, LONGIETTI,
D. COSTA, GABLER, MURT, TALLMAN, BROWNLEE, MATZIE, HARHAI,
DONATUCCI, MAHONEY, KORTZ, DEASY, WATSON, GIBBONS, READSHAW,
GILLEN, FARRY, DAVIS, MOUL AND V. BROWN, JANUARY 21, 2015

SENATOR VULAKOVICH, VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,
IN SENATE, AS AMENDED, NOVEMBER 18, 2015

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," providing for the
7 payment of death benefits to members of the Pennsylvania
8 Civil Air Patrol.

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

11 Section 1. Section 1(a), (a.1), (c) and (e) of the act of
12 June 24, 1976 (P.L.424, No.101), referred to as the Emergency
13 and Law Enforcement Personnel Death Benefits Act, amended
14 October 9, 2009 (P.L.588, No.51) AND MAY 13, 2015 (P.L.1, NO.1), <--
15 are amended to read:

16 ~~Section 1. (a) In the event a law enforcement officer, <--~~
17 ~~ambulance service or rescue squad member, firefighter, certified~~
18 ~~hazardous material response team member, member of the~~
19 ~~Pennsylvania Civil Air Patrol or National Guard member dies as a~~

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

8 SECTION 1. (A) IN THE EVENT A LAW ENFORCEMENT OFFICER, <--
9 AMBULANCE SERVICE OR RESCUE SQUAD MEMBER, FIREFIGHTER, CERTIFIED
10 HAZARDOUS MATERIAL RESPONSE TEAM MEMBER, MEMBER OF THE
11 PENNSYLVANIA CIVIL AIR PATROL OR NATIONAL GUARD MEMBER DIES AS A
12 RESULT OF THE PERFORMANCE OF HIS DUTIES, AN APPLICATION,
13 INCLUDING A CERTIFICATION OF DEATH, SHALL BE MADE TO THE
14 DEPARTMENT WITHIN [FOUR] THREE YEARS OF THE DATE OF SUCH DEATH
15 BY ANY OF THE FOLLOWING:

16 (1) A POLITICAL SUBDIVISION.

17 (2) A COMMONWEALTH AGENCY.

18 (3) IN THE CASE OF NATIONAL GUARD MEMBERS, THE ADJUTANT
19 GENERAL.

20 (4) IN THE CASE OF A MEMBER OF A COMMONWEALTH LAW
21 ENFORCEMENT AGENCY, THE AGENCY HEAD.

22 (5) IN THE CASE OF A CAMPUS POLICE OFFICER, THE UNIVERSITY
23 OR COLLEGE PRESIDENT.

24 (6) ANY SURVIVOR ELIGIBLE FOR PAYMENT OF BENEFITS UNDER THIS
25 ACT OR INDIVIDUAL AUTHORIZED TO ACT ON THE SURVIVOR'S BEHALF.

26 (7) IN THE CASE OF THE PENNSYLVANIA CIVIL AIR PATROL, THE
27 STATE COMMANDER.

28 (a.1) A firefighter, ambulance service or rescue squad
29 member, law enforcement officer, certified hazardous material
30 response team member, member of the Pennsylvania Civil Air

1 Patrol or National Guard member who suffers a fatal heart attack
2 or stroke while on duty or not later than 24 hours after
3 participating in a physical training exercise or responding to
4 an emergency is presumed to have died as a result of the
5 performance of his duties for purposes of this act.

6 * * *

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

1 squad or Pennsylvania Civil Air Patrol.

2 * * *

3 (e) The Commonwealth of Pennsylvania shall pay out of the
4 General Fund to the surviving spouse or, if there is no
5 surviving spouse, the minor children of a National Guard member,
6 certified hazardous material response team member, member of the
7 Pennsylvania Civil Air Patrol, volunteer firefighter, ambulance
8 service or rescue squad member who died as a result of the
9 performance of his duties the sum of \$100,000, adjusted in
10 accordance with subsection (f) of this section. When no spouse
11 or minor children survive, the benefit shall be paid to the
12 parent or parents of such National Guard member, certified
13 hazardous material response team member, member of the
14 Pennsylvania Civil Air Patrol, volunteer firefighter, ambulance
15 service or rescue squad member. The benefit shall be payable
16 whether or not the National Guard member or certified hazardous
17 material response team member, member of the Pennsylvania Civil
18 Air Patrol, volunteer firefighter, ambulance service or rescue
19 squad member died as a result of the performance of his duty
20 within the Commonwealth of Pennsylvania.

21 * * *

22 Section 2. This act shall take effect in 60 days.