

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 AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 7, 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,
28 [certified hazardous material response team member,] rescue ←
29 squad member or 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] CERTIFIED HAZARDOUS MATERIAL RESPONSE TEAM MEMBER, ←
5 volunteer firefighter, ambulance service or rescue squad member
6 who died as a result of the performance of his duties the sum of
7 \$100,000, adjusted in accordance with subsection (f) of this
8 section. When no spouse or minor children survive, the benefit
9 shall be paid to the parent or parents of such National Guard
10 member, [State police officer or other law enforcement officer
11 of the Commonwealth] CERTIFIED HAZARDOUS MATERIAL RESPONSE TEAM ←
12 MEMBER, volunteer firefighter, ambulance service or rescue squad
13 member. The benefit shall be payable whether or not the National
14 Guard member or [officer] CERTIFIED HAZARDOUS MATERIAL RESPONSE ←
15 TEAM MEMBER, volunteer firefighter, ambulance service or rescue
16 squad member died as a result of the performance of his duty
17 within the Commonwealth of Pennsylvania.

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

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

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

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

2 Section 2. Repeals are as follows:

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

6 (2) The following parts of acts are repealed:

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

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

13 Section 3. This act shall take effect immediately.