

No. 2007-21

AN ACT

HB 369

Amending the act of June 24, 1976 (P.L.424, No.101), entitled, as amended, "An act providing for the payment of death benefits to the surviving spouse or children or parents of firefighters, ambulance service or rescue squad members, law enforcement officers or National Guard members who die as a result of the performance of their duties," further providing for payment of death benefits to members of emergency personnel teams.

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

Section 1. Section 1(a), (a.1), (c) and (d) of the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, amended or added April 12, 2002 (P.L.213, No.20) and October 6, 2005 (P.L.319, No.59), are amended to read:

Section 1. (a) In the event a law enforcement officer, ambulance service or rescue squad member, firefighter, *certified hazardous material response team member* or National Guard member dies as a result of the performance of his duties, such political subdivision, *Commonwealth agency* or, in the case of National Guard members, the Adjutant General, within 30 days from the date of death, shall submit certification of such death to the Commonwealth.

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

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(c) A volunteer ambulance service, *certified hazardous material response team* or rescue squad member shall be deemed to be acting in the performance of his duties for the purposes of this act going to or directly returning from an emergency which the ambulance service, *certified hazardous material response team* or rescue squad attended including travel from and direct return to an ambulance service, *certified hazardous material response team* or rescue squad member's home, place of business or other place where he or she shall have been when he or she received the call or alarm or while participating in drills in which the ambulance service, *certified hazardous material response team* or rescue squad shall have participated or while repairing or doing other work about or on any emergency vehicle or buildings and grounds of the ambulance service, *certified hazardous material response team* or rescue squad upon the

authorization of the chief of the ambulance service, ***certified hazardous material response team*** or rescue squad or other person in charge while answering any emergency calls for any purpose or while riding upon any vehicles which are owned or used by the ambulance service, ***certified hazardous material response team*** or rescue squad.

(d) Upon receipt of such certification, the Commonwealth shall, from moneys payable out of the General Fund, pay to the political subdivision the sum of \$100,000, adjusted in accordance with subsection (f) of this section. ***If the deceased was a member of a team organized under a Commonwealth agency, the death benefit shall be paid to the Commonwealth agency instead of the political subdivision.*** Within five days of receipt of said sum from the Commonwealth, the political subdivision ***or Commonwealth agency*** shall pay such sum as a benefit to the surviving spouse, or if there is no surviving spouse, to the minor children of the firefighter, ambulance service ***member, certified hazardous material response team member,*** [or] rescue squad member or law enforcement officer who died as a result of the performance of his duty. When no spouse or minor children survive, the benefit shall be paid to the parent or parents of such firefighter, ambulance service ***member, certified hazardous material response team member,*** [or] rescue squad member or law enforcement officer.

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Section 2. Section 2 of the act is amended by adding an introductory paragraph and definitions to read:

Section 2. ***The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:***

"Certified hazardous material response team member" means a person who is part of a group of individuals who are certified and organized by a Commonwealth agency, a local agency or a regional hazardous material organization for the primary purpose of providing emergency response services which is dispatched by a public safety answering point to mitigate actual or potential immediate threats to public health and the environment in response to the release or threat of a release of a hazardous material, which is certified, trained and equipped in accordance with the act of December 7, 1990 (P.L.639, No.165), known as the Hazardous Material Emergency Planning and Response Act. Hazardous material response team members who are dispatched by a public safety answering point may also be certified to perform stabilization actions needed to remove threats to public health and the environment from hazardous material releases. A member of a for-profit hazardous material response team that was not dispatched by a public safety answering point, is acting as an agent on behalf of the spiller or responsible party or is responsible for post-emergency or nonemergency response hazardous materials/hazardous waste clean-up activities is not eligible for compensation that is provided for under this act.

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“Public safety answering point” means the Pennsylvania Emergency Management Agency-approved first point at which calls for emergency assistance from individuals are answered, operated 24 hours a day.

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

APPROVED—The 2nd day of July, A.D. 2007.

EDWARD G. RENDELL