

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 748 Session of  
2003

INTRODUCED BY LYNCH, BAKER, BELARDI, BELFANTI, BROWNE, BUNT,  
CAPPELLI, CORRIGAN, CRAHALLA, CRUZ, DeWEESE, FEESE, GRUCELA,  
HARHAI, HORSEY, HUTCHINSON, JAMES, KIRKLAND, LAUGHLIN,  
LEVANSKY, McGEEHAN, McILHATTAN, SHANER, SOLOBAY, STABACK,  
THOMAS, WALKO, WANSACZ, WILT AND YOUNGBLOOD, MARCH 6, 2003

REFERRED TO COMMITTEE ON GAME AND FISHERIES, MARCH 6, 2003

AN ACT

1 Amending the act of June 28, 1935 (P.L.477, No.193), entitled,  
2 as amended, "An act providing for the payment of the salary,  
3 medical and hospital expenses of members of the State Police  
4 Force, of the enforcement officers and investigators employed  
5 by the Pennsylvania Liquor Control Board, and the parole  
6 agents, enforcement officers and investigators of the  
7 Pennsylvania Board of Probation and Parole, Capitol Police  
8 officers, correction officers employed by the Department of  
9 Corrections whose principal duty is the care, custody and  
10 control of inmates, psychiatric security aides employed by  
11 the Department of Public Welfare and the Department of  
12 Corrections whose principal duty is the care, custody, and  
13 control of the criminally insane, drug enforcement agents of  
14 the Office of Attorney General whose principal duty is the  
15 enforcement of the drug laws of the Commonwealth, special  
16 agents of the Office of Attorney General whose principal duty  
17 is the enforcement of the criminal laws of the Commonwealth,  
18 members of the Delaware River Port Authority Police and of  
19 policemen, firemen and park guards by the Commonwealth of  
20 Pennsylvania, the Delaware River Port Authority, counties,  
21 cities, boroughs, towns and townships, who are injured or  
22 contract certain diseases in the performance of their duty;  
23 and providing that absence during such injury shall not  
24 reduce any usual sick leave period," extending benefits to  
25 certain employees of the Bureau of Forestry in the Department  
26 of Conservation and Natural Resources, waterways conservation  
27 officers of the Pennsylvania Fish and Boat Commission and  
28 wildlife conservation officers of the Pennsylvania Game  
29 Commission.

30 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. The title and section 1 of the act of June 28,  
3 1935 (P.L.477, No.193), referred to as the Enforcement Officer  
4 Disability Benefits Law, amended December 19, 1996 (P.L.1438  
5 No.183), are amended to read:

6 AN ACT

7 Providing for the payment of the salary, medical and hospital  
8 expenses of members of the State Police Force, of the  
9 enforcement officers and investigators employed by the  
10 Pennsylvania Liquor Control Board, and the parole agents,  
11 enforcement officers and investigators of the Pennsylvania  
12 Board of Probation and Parole, Capitol Police officers,  
13 correction officers employed by the Department of Corrections  
14 whose principal duty is the care, custody and control of  
15 inmates, psychiatric security aides employed by the  
16 Department of Public Welfare and the Department of  
17 Corrections whose principal duty is the care, custody, and  
18 control of the criminally insane, drug enforcement agents of  
19 the Office of Attorney General whose principal duty is the  
20 enforcement of the drug laws of the Commonwealth, special  
21 agents of the Office of Attorney General whose principal duty  
22 is the enforcement of the criminal laws of the Commonwealth,  
23 forest fire specialist supervisors employed by the Bureau of  
24 Forestry in the Department of Conservation and Natural  
25 Resources, waterways conservation officers of the  
26 Pennsylvania Fish and Boat Commission, wildlife conservation  
27 officers of the Pennsylvania Game Commission, members of the  
28 Delaware River Port Authority Police and of policemen,  
29 firemen and park guards by the Commonwealth of Pennsylvania,  
30 the Delaware River Port Authority, counties, cities,

1        boroughs, towns and townships, who are injured or contract  
2        certain diseases in the performance of their duty; and  
3        providing that absence during such injury shall not reduce  
4        any usual sick leave period.

5        Section 1. (a) Be it enacted, &c., That any member of the  
6        State Police Force, any enforcement officer or investigator  
7        employed by the Pennsylvania Liquor Control Board, and the  
8        parole agents, enforcement officers and investigators of the  
9        Pennsylvania Board of Probation and Parole, Capitol Police  
10       officers, correction officers employed by the Department of  
11       Corrections, whose principal duty is the care, custody and  
12       control of inmates, psychiatric security aides employed by the  
13       Department of Public Welfare and the Department of Corrections,  
14       whose principal duty is the care, custody, and control of the  
15       criminally insane, drug enforcement agents of the Office of  
16       Attorney General whose principal duty is the enforcement of the  
17       drug laws of the Commonwealth, special agents of the Office of  
18       Attorney General whose principal duty is the enforcement of the  
19       criminal laws of the Commonwealth, forest fire specialist  
20       supervisors employed by the Bureau of Forestry in the Department  
21       of Conservation and Natural Resources, waterways conservation  
22       officers of the Pennsylvania Fish and Boat Commission, wildlife  
23       conservation officers of the Pennsylvania Game Commission, any  
24       member of the Delaware River Port Authority Police or any  
25       policeman, fireman or park guard of any county, city, borough,  
26       town or township, who is injured in the performance of his  
27       duties including, in the case of firemen, duty as special fire  
28       police, and by reason thereof is temporarily incapacitated from  
29       performing his duties, shall be paid by the Commonwealth of  
30       Pennsylvania if a member of the State Police Force or an

1 enforcement officer or investigator employed by the Pennsylvania  
2 Liquor Control Board or the parole agents, enforcement officers  
3 and investigators of the Pennsylvania Board of Probation and  
4 Parole, Capitol Police officers, correction officers employed by  
5 the Department of Corrections, whose principal duty is the care,  
6 custody and control of inmates, psychiatric security aides  
7 employed by the Department of Public Welfare and the Department  
8 of Corrections, whose principal duty is the care, custody, and  
9 control of the criminally insane, drug enforcement agents of the  
10 Office of Attorney General whose principal duty is the  
11 enforcement of the drug laws of the Commonwealth, special agents  
12 of the Office of Attorney General whose principal duty is the  
13 enforcement of the criminal laws of the Commonwealth, forest  
14 fire specialist supervisors employed by the Bureau of Forestry  
15 in the Department of Conservation and Natural Resources,  
16 waterways conservation officers of the Pennsylvania Fish and  
17 Boat Commission, wildlife conservation officers of the  
18 Pennsylvania Game Commission or by the Delaware River Port  
19 Authority if a member of the Delaware River Port Authority  
20 Police or by the county, township or municipality, by which he  
21 is employed, his full rate of salary, as fixed by ordinance or  
22 resolution, until the disability arising therefrom has ceased.  
23 All medical and hospital bills, incurred in connection with any  
24 such injury, shall be paid by the Commonwealth of Pennsylvania  
25 or by the Delaware River Port Authority or by such county,  
26 township or municipality. During the time salary for temporary  
27 incapacity shall be paid by the Commonwealth of Pennsylvania or  
28 by the Delaware River Port Authority or by the county, city,  
29 borough, town or township, any workmen's compensation, received  
30 or collected by any such employe for such period, shall be

1 turned over to the Commonwealth of Pennsylvania or to the  
2 Delaware River Port Authority or to such county, city, borough,  
3 town or township, and paid into the treasury thereof, and if  
4 such payment shall not be so made by the employe the amount so  
5 due the Commonwealth of Pennsylvania, the Delaware River Port  
6 Authority or the county, city, borough, town or township shall  
7 be deducted from any salary then or thereafter becoming due and  
8 owing.

9 (b) In the case of the State Police Force, enforcement  
10 officers and investigators employed by the Pennsylvania Liquor  
11 Control Board and the parole agents, enforcement officers and  
12 investigators of the Pennsylvania Board of Probation and Parole,  
13 Capitol Police officers, correction officers employed by the  
14 Department of Corrections, whose principal duty is the care,  
15 custody and control of inmates, psychiatric security aides  
16 employed by the Department of Public Welfare and the Department  
17 of Corrections whose principal duty is the care, custody, and  
18 control of the criminally insane, drug enforcement agents of the  
19 Office of Attorney General whose principal duty is the  
20 enforcement of the drug laws of the Commonwealth, special agents  
21 of the Office of Attorney General whose principal duty is the  
22 enforcement of the criminal laws of the Commonwealth, forest  
23 fire specialist supervisors employed by the Bureau of Forestry  
24 in the Department of Conservation and Natural Resources,  
25 waterways conservation officers of the Pennsylvania Fish and  
26 Boat Commission, wildlife conservation officers of the  
27 Pennsylvania Game Commission, members of the Delaware River Port  
28 Authority Police and salaried policemen and firemen who have  
29 served for four consecutive years or longer, diseases of the  
30 heart and tuberculosis of the respiratory system, contracted or

1 incurred by any of them after four years of continuous service  
2 as such, and caused by extreme overexertion in times of stress  
3 or danger or by exposure to heat, smoke, fumes or gases, arising  
4 directly out of the employment of any such member of the State  
5 Police Force, enforcement officer, investigator employed by the  
6 Pennsylvania Liquor Control Board, guard or enforcement officer  
7 employed by the Department of Corrections or parole agent,  
8 enforcement officer or investigator of the Pennsylvania Board of  
9 Probation and Parole, Capitol Police officers, correction  
10 officers employed by the Department of Corrections whose  
11 principal duty is the care, custody and control of inmates,  
12 psychiatric security aides employed by the Department of Public  
13 Welfare and the Department of Corrections whose principal duty  
14 is the care, custody, and control of the criminally insane, drug  
15 enforcement agents of the Office of Attorney General whose  
16 principal duty is the enforcement of the drug laws of the  
17 Commonwealth, special agents of the Office of Attorney General  
18 whose principal duty is the enforcement of the criminal laws of  
19 the Commonwealth, forest fire specialist supervisors employed by  
20 the Bureau of Forestry in the Department of Conservation and  
21 Natural Resources, waterways conservation officers of the  
22 Pennsylvania Fish and Boat Commission, wildlife conservation  
23 officers of the Pennsylvania Game Commission, member of the  
24 Delaware River Port Authority Police, or policeman or fireman,  
25 shall be compensable in accordance with the terms hereof; and  
26 unless any such disability shall be compensable under the  
27 compensation laws as having been caused by accidental injury,  
28 such disability shall be compensable as occupational disease  
29 disabilities are presently compensable under the compensation  
30 laws of this Commonwealth. It shall be presumed that

1 tuberculosis of the respiratory system contracted or incurred  
2 after four consecutive years of service was contracted or  
3 incurred as a direct result of employment.

4 (c) In the case of any person receiving benefits pursuant to  
5 this act, the statutes of limitations set forth in sections  
6 306.1, 315, 413, and 434 of the act of June 2, 1915 (P.L.736,  
7 No.338), known as "The Pennsylvania Workmen's Compensation Act,"  
8 shall not begin to run until the expiration of the receipt of  
9 benefits pursuant to this act.

10 (d) All payments herein required to be made by the  
11 Commonwealth of Pennsylvania on account of any member of the  
12 State Police Force shall be made from moneys appropriated to the  
13 Pennsylvania State Police, and any payments required to be made  
14 on account of any enforcement officer or investigator employed  
15 by the Pennsylvania Liquor Control Board shall be from  
16 appropriations out of the State Stores Fund, any payments  
17 required to be made on account of any parole agent, enforcement  
18 officer or investigator employed by the Pennsylvania Board of  
19 Probation and Parole shall be from moneys appropriated to the  
20 Pennsylvania Board of Probation and Parole, any payments  
21 required to be made on account of Capitol Police officers shall  
22 be made from moneys appropriated to the Department of General  
23 Services, any payments required to be made on account of any  
24 correction officer shall be made from moneys appropriated to the  
25 Department of Corrections, any payments required to be made on  
26 account of any psychiatric security aides shall be made from  
27 moneys appropriated to the Department of Public Welfare or the  
28 Department of Corrections where appropriate, [and] any payments  
29 required to be made on account of any drug enforcement agent or  
30 special agents shall be made from moneys appropriated to the

1 Office of Attorney General; and any payments required to be made  
2 on account of any forest fire specialist supervisor employed by  
3 the Bureau of Forestry in the Department of Conservation and  
4 Natural Resources shall be made from moneys appropriated to the  
5 Department of Conservation and Natural Resources.

6       Section 2. This act shall take effect immediately.