

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1345 Session of 2013

INTRODUCED BY HARKINS, HEFFLEY, YOUNGBLOOD, KORTZ, COHEN,
MAHONEY, D. COSTA, MURT, FABRIZIO, GIBBONS, FARRY AND
HAGGERTY, MAY 8, 2013

REFERRED TO COMMITTEE ON GAME AND FISHERIES, MAY 8, 2013

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 employees 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, and sheriffs and
22 deputy sheriffs who are injured or contract certain diseases
23 in the performance of their duty; and providing that absence
24 during such injury shall not reduce any usual sick leave
25 period," extending benefits to certain employees of the
26 Pennsylvania Game Commission and the Pennsylvania Fish and
27 Boat Commission; and making editorial changes.

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

30 Section 1. The title and section 1 of the act of June 28,

1 1935 (P.L.477, No.193), referred to as the Enforcement Officer
2 Disability Benefits Law, amended March 15, 2006 (P.L.55, No.20)
3 and July 7, 2006 (P.L.614, No.95), are amended to read:

4 AN ACT

5 Providing for the payment of the salary, medical and hospital
6 expenses of [members of the State Police Force, of the
7 enforcement officers and investigators employed by the
8 Pennsylvania Liquor Control Board, and the parole agents,
9 enforcement officers and investigators of the Pennsylvania
10 Board of Probation and Parole, Capitol Police officers,
11 correction employes employed by the Department of Corrections
12 whose principal duty is the care, custody and control of
13 inmates, psychiatric security aides employed by the
14 Department of Public Welfare and the Department of
15 Corrections whose principal duty is the care, custody, and
16 control of the criminally insane, drug enforcement agents of
17 the Office of Attorney General whose principal duty is the
18 enforcement of the drug laws of the Commonwealth, special
19 agents of the Office of Attorney General whose principal duty
20 is the enforcement of the criminal laws of the Commonwealth,
21 members of the Delaware River Port Authority Police and of
22 policemen, firemen and park guards by the Commonwealth of
23 Pennsylvania, the Delaware River Port Authority, counties,
24 cities, boroughs, towns and townships, and sheriffs and
25 deputy sheriffs] certain employes of State and local
26 government who are injured or contract certain diseases in
27 the performance of their duty; and providing that absence
28 during such injury shall not reduce any usual sick leave
29 period.

30 Section 1. (a) Be it enacted, &c., That:

1 (1) any member of the State Police Force[,];
2 (2) any enforcement officer or investigator employed by the
3 Pennsylvania Liquor Control Board[, and];
4 (3) the parole agents, enforcement officers and
5 investigators of the Pennsylvania Board of Probation and
6 Parole[,];
7 (4) Capitol Police officers[,];
8 (5) correction employes employed by the Department of
9 Corrections, whose principal duty is the care, custody and
10 control of inmates[,];
11 (6) psychiatric security aides employed by the Department of
12 Public Welfare and the Department of Corrections, whose
13 principal duty is the care, custody, and control of the
14 criminally insane[,];
15 (7) drug enforcement agents of the Office of Attorney
16 General whose principal duty is the enforcement of the drug laws
17 of the Commonwealth[,];
18 (8) special agents of the Office of Attorney General whose
19 principal duty is the enforcement of the criminal laws of the
20 Commonwealth[,];
21 (9) any member of the Delaware River Port Authority
22 Police[,];
23 (10) any policeman, fireman or park guard of any county,
24 city, borough, town or township[, or];
25 (11) any sheriff or deputy sheriff; or
26 (12) any enforcement officer or investigator of the
27 Pennsylvania Game Commission or the Pennsylvania Fish and Boat
28 Commission
29 who is injured in the performance of his duties including, in
30 the case of firemen, duty as special fire police, and by reason

1 thereof is temporarily incapacitated from performing his duties,
2 shall be paid by the Commonwealth of Pennsylvania if [a member
3 of the State Police Force or an enforcement officer or
4 investigator employed by the Pennsylvania Liquor Control Board
5 or the parole agents, enforcement officers and investigators of
6 the Pennsylvania Board of Probation and Parole, Capitol Police
7 officers, correction employees employed by the Department of
8 Corrections, whose principal duty is the care, custody and
9 control of inmates, psychiatric security aides employed by the
10 Department of Public Welfare and the Department of Corrections,
11 whose principal duty is the care, custody, and control of the
12 criminally insane, drug enforcement agents of the Office of
13 Attorney General whose principal duty is the enforcement of the
14 drug laws of the Commonwealth, special agents of the Office of
15 Attorney General whose principal duty is the enforcement of the
16 criminal laws of the Commonwealth,] an employe identified under
17 paragraph (1), (2), (3), (4), (5), (6), (7), (8) or (12) or by
18 the Delaware River Port Authority if a member of the Delaware
19 River Port Authority Police or by the county, township or
20 municipality, by which he is employed, his full rate of salary,
21 as fixed by ordinance or resolution, until the disability
22 arising therefrom has ceased. All medical and hospital bills,
23 incurred in connection with any such injury, shall be paid by
24 the Commonwealth of Pennsylvania or by the Delaware River Port
25 Authority or by such county, township or municipality. During
26 the time salary for temporary incapacity shall be paid by the
27 Commonwealth of Pennsylvania or by the Delaware River Port
28 Authority or by the county, city, borough, town or township, any
29 workmen's compensation, received or collected by any such
30 employe for such period, shall be turned over to the

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

(b) In the case of:

(1) the State Police Force[,];

(2) enforcement officers and investigators employed by the Pennsylvania Liquor Control Board [and];

(3) the parole agents, enforcement officers and investigators of the Pennsylvania Board of Probation and Parole[,];

(4) Capitol Police officers[,];

(5) correction employes employed by the Department of Corrections, whose principal duty is the care, custody and control of inmates[,];

(6) psychiatric security aides employed by the Department of Public Welfare and the Department of Corrections whose principal duty is the care, custody, and control of the criminally insane[,];

(7) drug enforcement agents of the Office of Attorney General whose principal duty is the enforcement of the drug laws of the Commonwealth[,];

(8) special agents of the Office of Attorney General whose principal duty is the enforcement of the criminal laws of the Commonwealth[,];

(9) members of the Delaware River Port Authority Police[,];

(10) salaried policemen and firemen[, and];

1 (11) sheriffs and deputy sheriffs; and

2 (12) enforcement officers and investigators of the

3 Pennsylvania Game Commission and the Pennsylvania Fish and Boat
4 Commission

5 who have served for four consecutive years or longer, diseases
6 of the heart and tuberculosis of the respiratory system,

7 contracted or incurred by any of them after four years of
8 continuous service as such, and caused by extreme overexertion

9 in times of stress or danger or by exposure to heat, smoke,

10 fumes or gases, arising directly out of the employment [of any

11 such member of the State Police Force, enforcement officer,

12 investigator employed by the Pennsylvania Liquor Control Board,

13 guard or enforcement officer employed by the Department of

14 Corrections or parole agent, enforcement officer or investigator

15 of the Pennsylvania Board of Probation and Parole, Capitol

16 Police officers, correction employes employed by the Department

17 of Corrections whose principal duty is the care, custody and

18 control of inmates, psychiatric security aides employed by the

19 Department of Public Welfare and the Department of Corrections

20 whose principal duty is the care, custody, and control of the

21 criminally insane, drug enforcement agents of the Office of

22 Attorney General whose principal duty is the enforcement of the

23 drug laws of the Commonwealth, special agents of the Office of

24 Attorney General whose principal duty is the enforcement of the

25 criminal laws of the Commonwealth, member of the Delaware River

26 Port Authority Police, policeman or fireman, or sheriff or

27 deputy sheriff] shall be compensable in accordance with the

28 terms hereof; and unless any such disability shall be

29 compensable under the compensation laws as having been caused by

30 accidental injury, such disability shall be compensable as

1 occupational disease disabilities are presently compensable
2 under the compensation laws of this Commonwealth. It shall be
3 presumed that tuberculosis of the respiratory system contracted
4 or incurred after four consecutive years of service was
5 contracted or incurred as a direct result of employment.

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

12 (d) (1) All payments herein required to be made by the
13 Commonwealth of Pennsylvania on account of any member of the
14 State Police Force shall be made from moneys appropriated to the
15 Pennsylvania State Police[, and any]_.

16 (2) Any payments required to be made on account of any
17 enforcement officer or investigator employed by the Pennsylvania
18 Liquor Control Board shall be from appropriations out of the
19 State Stores Fund[, any]_.

20 (3) Any payments required to be made on account of any
21 parole agent, enforcement officer or investigator employed by
22 the Pennsylvania Board of Probation and Parole shall be from
23 moneys appropriated to the Pennsylvania Board of Probation and
24 Parole[, any]_.

25 (4) Any payments required to be made on account of Capitol
26 Police officers shall be made from moneys appropriated to the
27 Department of General Services[, any]_.

28 (5) Any payments required to be made on account of any
29 correction employe shall be made from moneys appropriated to the
30 Department of Corrections[, any]_.

1 (6) Any payments required to be made on account of any
2 psychiatric security aides shall be made from moneys
3 appropriated to the Department of Public Welfare or the
4 Department of Corrections where appropriate[, and any].

5 (7) Any payments required to be made on account of any drug
6 enforcement agent or special agents shall be made from moneys
7 appropriated to the Office of Attorney General.

8 (8) Any payments required to be made on account of any
9 enforcement officers or investigators of the Pennsylvania Game
10 Commission shall be made from moneys appropriated to the
11 Pennsylvania Game Commission.

12 (9) Any payments required to be made on account of any
13 enforcement officers or investigators of the Pennsylvania Fish
14 and Boat Commission shall be made from moneys appropriated to
15 the Pennsylvania Fish and Boat Commission.

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