

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1101 Session of
1999

INTRODUCED BY LYNCH, McILHATTAN, WILT, BAKER, BELFANTI,
M. COHEN, CORRIGAN, HALUSKA, HARHAI, JAMES, LAUGHLIN, MAJOR,
PETRARCA, SAYLOR, SEYFERT, SOLOBAY, STABACK, STEELMAN, SURRA,
WALKO AND YOUNGBLOOD, MARCH 25, 1999

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 25, 1999

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,
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.