

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 786 Session of
2007

INTRODUCED BY HUTCHINSON, BAKER, BASTIAN, BEYER, BIANCUCCI,
CALTAGIRONE, CAPPELLI, CAUSER, CLYMER, DALLY, DeWEESE, ELLIS,
FABRIZIO, FREEMAN, GEORGE, GOODMAN, GRUCELA, HARHAI,
HENNESSEY, JAMES, KOTIK, MARKOSEK, McILHATTAN, MELIO,
R. MILLER, MURT, M. O'BRIEN, O'NEILL, PETRARCA, PETRONE,
READSHAW, REED, ROHRER, SAINATO, SCAVELLO, SIPTROTH, SONNEY,
STERN, R. STEVENSON, VEREB, WALKO, WATSON, WHEATLEY AND
YOUNGBLOOD, MARCH 19, 2007

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
MARCH 19, 2007

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 the payment of the salary, medical and
26 hospital expenses to Department of Conservation and Natural
27 Resources law enforcement officers under certain

1 circumstances.

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

4 Section 1. The title and section 1 of the act of June 28,
5 1935 (P.L.477, No.193), referred to as the Enforcement Officer
6 Disability Benefits Law, amended March 15, 2006 (P.L.55, No.20)
7 and July 7, 2006 (P.L.614, No.95), are amended to read:

8 "An act providing for the payment of the salary, medical and
9 hospital expenses of members of the State Police Force, of
10 the enforcement officers and investigators employed by the
11 Pennsylvania Liquor Control Board, and the parole agents,
12 enforcement officers and investigators of the Pennsylvania
13 Board of Probation and Parole, Capitol Police officers,
14 correction employees employed by the Department of Corrections
15 whose principal duty is the care, custody and control of
16 inmates, psychiatric security aides employed by the
17 Department of Public Welfare and the Department of
18 Corrections whose principal duty is the care, custody, and
19 control of the criminally insane, drug enforcement agents of
20 the Office of Attorney General whose principal duty is the
21 enforcement of the drug laws of the Commonwealth, special
22 agents of the Office of Attorney General whose principal duty
23 is the enforcement of the criminal laws of the Commonwealth,
24 members of the Delaware River Port Authority Police and of
25 policemen, firemen and park guards by the Commonwealth of
26 Pennsylvania, the Delaware River Port Authority, counties,
27 cities, boroughs, towns and townships, [and] sheriffs and
28 deputy sheriffs and Department of Conservation and Natural
29 Resources law enforcement officers who are injured or
30 contract certain diseases in the performance of their duty;

1 and providing that absence during such injury shall not
2 reduce any usual sick leave period," extending the payment of
3 the salary, medical and hospital expenses to Department of
4 Conservation and Natural Resources law enforcement officers
5 under certain circumstances.

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

1 agents, enforcement officers and investigators of the
2 Pennsylvania Board of Probation and Parole, Capitol Police
3 officers, correction employes employed by the Department of
4 Corrections, whose principal duty is the care, custody and
5 control of inmates, psychiatric security aides employed by the
6 Department of Public Welfare and the Department of Corrections,
7 whose principal duty is the care, custody, and control of the
8 criminally insane, drug enforcement agents of the Office of
9 Attorney General whose principal duty is the enforcement of the
10 drug laws of the Commonwealth, special agents of the Office of
11 Attorney General whose principal duty is the enforcement of the
12 criminal laws of the Commonwealth, or by the Delaware River Port
13 Authority if a member of the Delaware River Port Authority
14 Police or by the county, township or municipality, by which he
15 is employed, his full rate of salary, as fixed by ordinance or
16 resolution, until the disability arising therefrom has ceased.
17 All medical and hospital bills, incurred in connection with any
18 such injury, shall be paid by the Commonwealth of Pennsylvania
19 or by the Delaware River Port Authority or by such county,
20 township or municipality. During the time salary for temporary
21 incapacity shall be paid by the Commonwealth of Pennsylvania or
22 by the Delaware River Port Authority or by the county, city,
23 borough, town or township, any workmen's compensation, received
24 or collected by any such employe for such period, shall be
25 turned over to the Commonwealth of Pennsylvania or to the
26 Delaware River Port Authority or to such county, city, borough,
27 town or township, and paid into the treasury thereof, and if
28 such payment shall not be so made by the employe the amount so
29 due the Commonwealth of Pennsylvania, the Delaware River Port
30 Authority or the county, city, borough, town or township shall

1 be deducted from any salary then or thereafter becoming due and
2 owing.

3 (b) In the case of the State Police Force, enforcement
4 officers and investigators employed by the Pennsylvania Liquor
5 Control Board and the parole agents, enforcement officers and
6 investigators of the Pennsylvania Board of Probation and Parole,
7 Capitol Police officers, correction employes employed by the
8 Department of Corrections, whose principal duty is the care,
9 custody and control of inmates, psychiatric security aides
10 employed by the Department of Public Welfare and the Department
11 of Corrections whose principal duty is the care, custody, and
12 control of the criminally insane, drug enforcement agents of the
13 Office of Attorney General whose principal duty is the
14 enforcement of the drug laws of the Commonwealth, special agents
15 of the Office of Attorney General whose principal duty is the
16 enforcement of the criminal laws of the Commonwealth, members of
17 the Delaware River Port Authority Police, salaried policemen and
18 firemen, [and] sheriffs and deputy sheriffs and salaried
19 Department of Conservation and Natural Resources law enforcement
20 officers who have served for four consecutive years or longer,
21 diseases of the heart and tuberculosis of the respiratory
22 system, contracted or incurred by any of them after four years
23 of continuous service as such, and caused by extreme
24 overexertion in times of stress or danger or by exposure to
25 heat, smoke, fumes or gases, arising directly out of the
26 employment of any such member of the State Police Force,
27 enforcement officer, investigator employed by the Pennsylvania
28 Liquor Control Board, guard or enforcement officer employed by
29 the Department of Corrections or parole agent, enforcement
30 officer or investigator of the Pennsylvania Board of Probation

1 and Parole, Capitol Police officers, correction employes
2 employed by the Department of Corrections whose principal duty
3 is the care, custody and control of inmates, psychiatric
4 security aides employed by the Department of Public Welfare and
5 the Department of Corrections whose principal duty is the care,
6 custody, and control of the criminally insane, drug enforcement
7 agents of the Office of Attorney General whose principal duty is
8 the enforcement of the drug laws of the Commonwealth, special
9 agents of the Office of Attorney General whose principal duty is
10 the enforcement of the criminal laws of the Commonwealth, member
11 of the Delaware River Port Authority Police, policeman or
12 fireman, [or] sheriff or deputy sheriff or Department of
13 Conservation and Natural Resources law enforcement officers
14 shall be compensable in accordance with the terms hereof; and
15 unless any such disability shall be compensable under the
16 compensation laws as having been caused by accidental injury,
17 such disability shall be compensable as occupational disease
18 disabilities are presently compensable under the compensation
19 laws of this Commonwealth. It shall be presumed that
20 tuberculosis of the respiratory system contracted or incurred
21 after four consecutive years of service was contracted or
22 incurred as a direct result of employment.

23 (c) In the case of any person receiving benefits pursuant to
24 this act, the statutes of limitations set forth in sections
25 306.1, 315, 413, and 434 of the act of June 2, 1915 (P.L.736,
26 No.338), known as the "Workers' Compensation Act," shall not
27 begin to run until the expiration of the receipt of benefits
28 pursuant to this act.

29 (d) All payments herein required to be made by the
30 Commonwealth of Pennsylvania on account of any member of the

1 State Police Force shall be made from moneys appropriated to the
2 Pennsylvania State Police, and any payments required to be made
3 on account of any enforcement officer or investigator employed
4 by the Pennsylvania Liquor Control Board shall be from
5 appropriations out of the State Stores Fund, any payments
6 required to be made on account of any parole agent, enforcement
7 officer or investigator employed by the Pennsylvania Board of
8 Probation and Parole shall be from moneys appropriated to the
9 Pennsylvania Board of Probation and Parole, any payments
10 required to be made on account of Capitol Police officers shall
11 be made from moneys appropriated to the Department of General
12 Services, any payments required to be made on account of any
13 correction employe shall be made from moneys appropriated to the
14 Department of Corrections, any payments required to be made on
15 account of any psychiatric security aides shall be made from
16 moneys appropriated to the Department of Public Welfare or the
17 Department of Corrections where appropriate, [and] any payments
18 required to be made on account of any drug enforcement agent or
19 special agents shall be made from moneys appropriated to the
20 Office of Attorney General[.] and any payments required to be
21 made on account of any Department of Conservation and Natural
22 Resources law enforcement officer shall be made from moneys
23 appropriated to the Department of Conservation and Natural
24 Resources.

25 Section 2. Section 2 of the act, amended July 7, 2006
26 (P.L.614, No.95), is amended to read:

27 Section 2. No absence from duty of any such policeman,
28 sheriff, deputy sheriff [or fireman], fireman or Department of
29 Conservation and Natural Resources law enforcement officer by
30 reason of any such injury shall in any manner be included in any

1 period of sick leave, allowed such policeman, sheriff, deputy
2 sheriff [or fireman], fireman or Department of Conservation and
3 Natural Resources law enforcement officer by law or by
4 regulation of the police, sheriff's or fire department or the
5 Department of Conservation and Natural Resources by which he is
6 employed.

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