

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 703

Session of
1983

INTRODUCED BY DeWEESE, BOOK, KUKOVICH, DALEY, SWEET, LIVENGOOD,
HALUSKA, LUCYK, WOZNIAK, TELEK, PETRARCA, KLINGAMAN, JAROLIN,
COSLETT, WARGO, STUBAN, BELARDI, BLAUM, TIGUE, HASAY AND
HAYES, APRIL 11, 1983

REFERRED TO COMMITTEE ON LABOR RELATIONS, APRIL 11, 1983

AN ACT

1 Amending the act of June 21, 1939 (P.L.566, No.284), entitled
2 "An act defining the liability of an employer to pay damages
3 for occupational disease contracted by an employe arising out
4 of and in the course of employment; establishing an elective
5 schedule of compensation; providing procedure for the
6 determination of liability and compensation thereunder;
7 imposing duties on the Department of Labor and Industry, the
8 Workmen's Compensation Board, Workmen's Compensation
9 Referees, and deans of medical schools; creating a medical
10 board to determine controverted medical issues; establishing
11 an Occupational Disease Fund in custody of the State
12 Workmen's Insurance Board; imposing upon the Commonwealth a
13 part of the compensation payable for certain occupational
14 diseases; making an appropriation; and prescribing
15 penalties," providing for an irrebutable presumption of total
16 disability for certain black lung compensation.

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

19 Section 1. Section 301(i) of the act of June 21, 1939
20 (P.L.566, No.284), known as The Pennsylvania Occupational
21 Disease Act, amended November 28, 1969 (P.L.312, No.134), is
22 amended to read:

23 Section 301. * * *

24 (i) (1) Notwithstanding any other provisions of this act,

1 compensation for silicosis, anthraco-silicosis, coal worker's
2 pneumoconiosis, and asbestosis shall be paid for each month
3 beginning with the month this amending act becomes effective, or
4 beginning with the first month of disability, whichever occurs
5 later, at the rate of seventy-five dollars (\$75) per month, to
6 every employe totally disabled thereby as a result of exposure
7 thereto, who has not theretofore been compensated because his
8 claim was barred by any of the time limitations prescribed by
9 this act, and shall continue during the period of such total
10 disability. No compensation under this section shall be paid to
11 any employe who has not been exposed to a silica, coal, or
12 asbestos hazard within the Commonwealth of Pennsylvania for a
13 period of two years. Subsequent to the effective date of this
14 amending act of 1969, it shall be necessary to be a resident of
15 Pennsylvania in order to qualify for compensation, but not to
16 continue receiving the same after qualification. All such
17 compensation to those whose last exposure precedes the effective
18 date of this amending act shall be paid by the Commonwealth.
19 Employes whose last exposure follows the effective date of this
20 amending act and who become entitled to the compensation
21 provided by this subsection shall be paid as provided by this
22 act.

23 (2) An application for compensation under this subsection
24 shall not be accepted from any person who, during the preceding
25 six months has been determined to be ineligible hereunder.

26 (3) Every application shall be accompanied by two prints of
27 the same recent photograph of the applicant, and such other
28 proof of identity as the board shall require. One of the prints
29 shall be stamped by the board and returned to the applicant, who
30 shall deliver it to the physician at the time of examination.

1 The physician shall attach the print to his report to the board.

2 (4) Notwithstanding any other provision of this act, any
3 person who has worked in or around anthracite or bituminous coal
4 mines within the Commonwealth for a total of twenty-five or more
5 years shall be entitled to an irrebutable presumption of total
6 disability for purposes of compensation under this subsection
7 and subsections (j) and (l).

8 * * *

9 Section 2. This act shall take effect immediately.