

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 539 Session of
1999

INTRODUCED BY TANGRETTI, GEORGE, SCHULER, MARKOSEK, READSHAW,
BELFANTI, WOJNAROSKI, HALUSKA, LAUGHLIN, CORRIGAN, CURRY,
WALKO, PESCI, TRELLO, STABACK, MICOZZIE, VAN HORNE,
GIGLIOTTI, MELIO, RAMOS, McCALL, SEYFERT, SOLOBAY, M. COHEN,
SAINATO, JAMES, YOUNGBLOOD, PETRARCA, BENNINGHOFF, CIVERA AND
HARHAI, FEBRUARY 10, 1999

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 10, 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, and drug enforcement agents
14 of the Office of Attorney General whose principal duty is the
15 enforcement of the drug laws of the Commonwealth, members of
16 the Delaware River Port Authority Police and of policemen,
17 firemen and park guards by the Commonwealth of Pennsylvania,
18 the Delaware River Port Authority, counties, cities,
19 boroughs, towns and townships, who are injured or contract
20 certain diseases in the performance of their duty; and
21 providing that absence during such injury shall not reduce
22 any usual sick leave period," extending benefits to certain
23 county sheriffs and deputy sheriffs.

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

26 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 December 19, 1996 (P.L.1438,
3 No.183), 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 officers 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, county sheriff or deputy sheriff, firemen and park
23 guards by the Commonwealth of Pennsylvania, the Delaware
24 River Port Authority, counties, cities, boroughs, towns and
25 townships, who are injured or contract certain diseases in
26 the performance of their duty; and providing that absence
27 during such injury shall not reduce any usual sick leave
28 period.

29 Section 1. (a) Be it enacted, &c., That any member of the
30 State Police Force, any enforcement officer or investigator

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

1 drug laws of the Commonwealth, special agents of the Office of
2 Attorney General whose principal duty is the enforcement of the
3 criminal laws of the Commonwealth, or by the Delaware River Port
4 Authority if a member of the Delaware River Port Authority
5 Police or by the county, township or municipality, by which he
6 is employed, his full rate of salary, as fixed by ordinance or
7 resolution, until the disability arising therefrom has ceased.
8 All medical and hospital bills, incurred in connection with any
9 such injury, shall be paid by the Commonwealth of Pennsylvania
10 or by the Delaware River Port Authority or by such county,
11 township or municipality. During the time salary for temporary
12 incapacity shall be paid by the Commonwealth of Pennsylvania or
13 by the Delaware River Port Authority or by the county, city,
14 borough, town or township, any workmen's compensation, received
15 or collected by any such employe for such period, shall be
16 turned over to the Commonwealth of Pennsylvania or to the
17 Delaware River Port Authority or to such county, city, borough,
18 town or township, and paid into the treasury thereof, and if
19 such payment shall not be so made by the employe the amount so
20 due the Commonwealth of Pennsylvania, the Delaware River Port
21 Authority or the county, city, borough, town or township shall
22 be deducted from any salary then or thereafter becoming due and
23 owing.

24 (b) In the case of the State Police Force, enforcement
25 officers and investigators employed by the Pennsylvania Liquor
26 Control Board and the parole agents, enforcement officers and
27 investigators of the Pennsylvania Board of Probation and Parole,
28 Capitol Police officers, correction officers employed by the
29 Department of Corrections, whose principal duty is the care,
30 custody and control of inmates, psychiatric security aides

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

1 Police, or policeman, county sheriff and deputy sheriff or
2 fireman, shall be compensable in accordance with the terms
3 hereof; and unless any such disability shall be compensable
4 under the compensation laws as having been caused by accidental
5 injury, such disability shall be compensable as occupational
6 disease disabilities are presently compensable under the
7 compensation laws of this Commonwealth. It shall be presumed
8 that tuberculosis of the respiratory system contracted or
9 incurred after four consecutive years of service was contracted
10 or incurred as a direct result of employment.

11 (c) In the case of any person receiving benefits pursuant to
12 this act, the statutes of limitations set forth in sections
13 306.1, 315, 413, and 434 of the act of June 2, 1915 (P.L.736,
14 No.338), known as "The Pennsylvania Workmen's Compensation Act,"
15 shall not begin to run until the expiration of the receipt of
16 benefits pursuant to this act.

17 (d) All payments herein required to be made by the
18 Commonwealth of Pennsylvania on account of any member of the
19 State Police Force shall be made from moneys appropriated to the
20 Pennsylvania State Police, and any payments required to be made
21 on account of any enforcement officer or investigator employed
22 by the Pennsylvania Liquor Control Board shall be from
23 appropriations out of the State Stores Fund, any payments
24 required to be made on account of any parole agent, enforcement
25 officer or investigator employed by the Pennsylvania Board of
26 Probation and Parole shall be from moneys appropriated to the
27 Pennsylvania Board of Probation and Parole, any payments
28 required to be made on account of Capitol Police officers shall
29 be made from moneys appropriated to the Department of General
30 Services, any payments required to be made on account of any

1 correction officer shall be made from moneys appropriated to the
2 Department of Corrections, any payments required to be made on
3 account of any psychiatric security aides shall be made from
4 moneys appropriated to the Department of Public Welfare or the
5 Department of Corrections where appropriate, and any payments
6 required to be made on account of any drug enforcement agent or
7 special agents shall be made from moneys appropriated to the
8 Office of Attorney General.

9 Section 2. This act shall take effect immediately.