

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1102 Session of
1999

INTRODUCED BY LYNCH, CIVERA, BELFANTI, L. I. COHEN, M. COHEN,
CURRY, DALEY, FLICK, HARHAI, HERMAN, HUTCHINSON, JAMES,
KENNEY, LESCOVITZ, MAJOR, McCALL, McILHATTAN, RAMOS, SAINATO,
SEYFERT, SOLOBAY, STABACK, STEELMAN, THOMAS, WILLIAMS 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 county sheriffs and deputy sheriffs, officers and employees
26 of county emergency management agencies or the equivalent
27 thereof and to certain employees of the Bureau of Forestry in
28 the Department of Conservation and Natural Resources.

29 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, members of the Delaware River Port Authority
26 Police and of policemen, county sheriffs and deputy sheriffs,
27 officers and employes of county emergency management agencies
28 or the equivalent thereof, firemen and park guards by the
29 Commonwealth of Pennsylvania, the Delaware River Port
30 Authority, counties, cities, boroughs, towns and townships,

1 who are injured or contract certain diseases in the
2 performance of their duty; and providing that absence during
3 such injury shall not reduce any usual sick leave period.

4 Section 1. (a) Be it enacted, &c., That any member of the
5 State Police Force, any enforcement officer or investigator
6 employed by the Pennsylvania Liquor Control Board, and the
7 parole agents, enforcement officers and investigators of the
8 Pennsylvania Board of Probation and Parole, Capitol Police
9 officers, correction officers employed by the Department of
10 Corrections, whose principal duty is the care, custody and
11 control of inmates, psychiatric security aides employed by the
12 Department of Public Welfare and the Department of Corrections,
13 whose principal duty is the care, custody, and control of the
14 criminally insane, drug enforcement agents of the Office of
15 Attorney General whose principal duty is the enforcement of the
16 drug laws of the Commonwealth, special agents of the Office of
17 Attorney General whose principal duty is the enforcement of the
18 criminal laws of the Commonwealth, forest fire specialist
19 supervisors employed by the Bureau of Forestry in the Department
20 of Conservation and Natural Resources, any member of the
21 Delaware River Port Authority Police or any policeman, county
22 sheriff or deputy sheriff, officers and employes of county
23 emergency management agencies or the equivalent thereof, fireman
24 or park guard of any county, city, borough, town or township,
25 who is injured in the performance of his duties including, in
26 the case of firemen, duty as special fire police, and by reason
27 thereof is temporarily incapacitated from performing his duties,
28 shall be paid by the Commonwealth of Pennsylvania if a member of
29 the 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 officers 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, forest fire specialist
13 supervisors employed by the Bureau of Forestry in the Department
14 of Conservation and Natural Resources or by the Delaware River
15 Port Authority if a member of the Delaware River Port Authority
16 Police or by the county, township or municipality, by which he
17 is employed, his full rate of salary, as fixed by ordinance or
18 resolution, until the disability arising therefrom has ceased.
19 All medical and hospital bills, incurred in connection with any
20 such injury, shall be paid by the Commonwealth of Pennsylvania
21 or by the Delaware River Port Authority or by such county,
22 township or municipality. During the time salary for temporary
23 incapacity shall be paid by the Commonwealth of Pennsylvania or
24 by the Delaware River Port Authority or by the county, city,
25 borough, town or township, any workmen's compensation, received
26 or collected by any such employe for such period, shall be
27 turned over to the Commonwealth of Pennsylvania or to the
28 Delaware River Port Authority or to such county, city, borough,
29 town or township, and paid into the treasury thereof, and if
30 such payment shall not be so made by the employe the amount so

1 due the Commonwealth of Pennsylvania, the Delaware River Port
2 Authority or the county, city, borough, town or township shall
3 be deducted from any salary then or thereafter becoming due and
4 owing.

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

1 Force, enforcement officer, investigator employed by the
2 Pennsylvania Liquor Control Board, guard or enforcement officer
3 employed by the Department of Corrections or parole agent,
4 enforcement officer or investigator of the Pennsylvania Board of
5 Probation and Parole, Capitol Police officers, correction
6 officers employed by the Department of Corrections whose
7 principal duty is the care, custody and control of inmates,
8 psychiatric security aides employed by the Department of Public
9 Welfare and the Department of Corrections whose principal duty
10 is the care, custody, and control of the criminally insane, drug
11 enforcement agents of the Office of Attorney General whose
12 principal duty is the enforcement of the drug laws of the
13 Commonwealth, special agents of the Office of Attorney General
14 whose principal duty is the enforcement of the criminal laws of
15 the Commonwealth, forest fire specialist supervisors employed by
16 the Bureau of Forestry in the Department of Conservation and
17 Natural Resources, member of the Delaware River Port Authority
18 Police, or policeman, county sheriff or deputy sheriff, officer
19 or employe of the county emergency management agencies or the
20 equivalent thereof or fireman, shall be compensable in
21 accordance with the terms hereof; and unless any such disability
22 shall be compensable under the compensation laws as having been
23 caused by accidental injury, such disability shall be
24 compensable as occupational disease disabilities are presently
25 compensable under the compensation laws of this Commonwealth. It
26 shall be presumed that tuberculosis of the respiratory system
27 contracted or incurred after four consecutive years of service
28 was contracted or incurred as a direct result of employment.

29 (c) In the case of any person receiving benefits pursuant to
30 this act, the statutes of limitations set forth in sections

1 306.1, 315, 413, and 434 of the act of June 2, 1915 (P.L.736,
2 No.338), known as "The Pennsylvania Workmen's Compensation Act,"
3 shall not begin to run until the expiration of the receipt of
4 benefits pursuant to this act.

5 (d) All payments herein required to be made by the
6 Commonwealth of Pennsylvania on account of any member of the
7 State Police Force shall be made from moneys appropriated to the
8 Pennsylvania State Police, and any payments required to be made
9 on account of any enforcement officer or investigator employed
10 by the Pennsylvania Liquor Control Board shall be from
11 appropriations out of the State Stores Fund, any payments
12 required to be made on account of any parole agent, enforcement
13 officer or investigator employed by the Pennsylvania Board of
14 Probation and Parole shall be from moneys appropriated to the
15 Pennsylvania Board of Probation and Parole, any payments
16 required to be made on account of Capitol Police officers shall
17 be made from moneys appropriated to the Department of General
18 Services, any payments required to be made on account of any
19 correction officer shall be made from moneys appropriated to the
20 Department of Corrections, any payments required to be made on
21 account of any psychiatric security aides shall be made from
22 moneys appropriated to the Department of Public Welfare or the
23 Department of Corrections where appropriate, [and] any payments
24 required to be made on account of any drug enforcement agent or
25 special agents shall be made from moneys appropriated to the
26 Office of Attorney General; and any payments required to be made
27 on account of any forest fire specialist supervisor employed by
28 the Bureau of Forestry in the Department of Conservation and
29 Natural Resources shall be made from moneys appropriated to the
30 Department of Conservation and Natural Resources.

1 Section 2. This act shall take effect immediately.