

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 429 Session of 2023

INTRODUCED BY REGAN, TARTAGLIONE, BROOKS, PENNYCUICK,
LANGERHOLC, BARTOLOTTA, STEFANO, ROBINSON, HUTCHINSON, BAKER,
COSTA AND MUTH, MARCH 1, 2023

REFERRED TO LAW AND JUSTICE, MARCH 1, 2023

AN ACT

1 Amending the act of June 28, 1935 (P.L.477, No.193), entitled
2 "An act providing for the payment of the salary, medical and
3 hospital expenses of certain employes of State and local
4 government who are injured or contract certain diseases in
5 the performance of their duty; and providing that absence
6 during such injury shall not reduce any usual sick leave
7 period," further providing for disability benefits and for
8 definitions.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Sections 1 and 2.1 of the act of June 28, 1935
12 (P.L.477, No.193), referred to as the Enforcement Officer
13 Disability Benefits Law, are amended to read:

14 Section 1. (a) Be it enacted, &c., That:

15 (1) any member of the State Police Force;

16 (2) any enforcement officer or investigator employed by the
17 Pennsylvania Liquor Control Board;

18 (3) the parole agents, enforcement officers and
19 investigators of the Pennsylvania Parole Board [of Probation and
20 Parole];

1 (3.1) probation officers employed by a participating county;

2 (4) Capitol Police officers;

3 (4.1) campus police officers employed by a participating
4 university;

5 (5) correction employees employed by the Department of
6 Corrections, whose principal duty is the care, custody and
7 control of inmates;

8 (5.1) commissioned police officers employed by the
9 Department of Corrections, Bureau of Investigations and
10 Intelligence;

11 (6) psychiatric security aides employed by the Department of
12 Human Services and the Department of Corrections, whose
13 principal duty is the care, custody, and control of the
14 criminally insane;

15 (7) drug enforcement agents of the Office of Attorney
16 General whose principal duty is the enforcement of the drug laws
17 of the Commonwealth;

18 (8) special agents of the Office of Attorney General whose
19 principal duty is the enforcement of the criminal laws of the
20 Commonwealth;

21 (9) any member of the Delaware River Port Authority Police;

22 (10) any policeman, fireman or park guard of any county,
23 city, borough, town or township;

24 (10.1) firemen employed by the Commonwealth;

25 (11) any sheriff or deputy sheriff; [or]

26 (12) any enforcement officer or investigator of the
27 Pennsylvania Game Commission or the Pennsylvania Fish and Boat
28 Commission;

29 (13) DCNR Rangers, DCNR Ranger Supervisors, DCNR Ranger
30 Operations Specialists, DCNR Ranger Trainees and State Park

Officers employed by the Department of Conservation and Natural
Resources;
(14) members of the Fort Indiantown Gap Police;
(15) enforcement officers, as defined in 71 Pa.C.S. § 5102
(relating to definitions), who are employed by the Office of
State Inspector General and whose principal duties include the
enforcement of the provisions specified in section 506-A of the
act of April 9, 1929 (P.L.177, No.175), known as "The
Administrative Code of 1929";
(16) transit police officers employed by a participating
transit or port authority;
(17) members of the Allegheny County Housing Authority
Police;
(18) housing police officers employed by a participating
housing authority; or
(19) corrections officers or jail guards employed by a
participating county and whose principal duty is the care,
custody and control of inmates;
who is injured in the performance of his duties including, in
the case of firemen, duty as special fire police, and by reason
thereof is temporarily incapacitated from performing his duties,
shall be paid by the Commonwealth of Pennsylvania if an employe
identified under paragraph (1), (2), (3), (4), (5), (5.1), (6),
(7), (8) [or], (12), (13), (14) or (15) or by the Delaware River
Port Authority if a member of the Delaware River Port Authority
Police or by the participating university if a campus police
officer or by a participating transit or port authority if a
transit police officer or by the Allegheny County Housing
Authority if a member of the Allegheny County Housing Authority
Police or by a participating housing authority if a housing

1 police officer or by the county, township or municipality, by
2 which he is employed, his full rate of salary, as fixed by
3 ordinance or resolution, until the disability arising therefrom
4 has ceased. All medical and hospital bills, incurred in
5 connection with any such injury, shall be paid by the
6 Commonwealth of Pennsylvania or by the Delaware River Port
7 Authority or by the participating university or by the
8 participating transit or port authority or by the Allegheny
9 County Housing Authority or by the participating housing
10 authority or by such county, city, township or municipality.
11 During the time salary for temporary incapacity shall be paid by
12 the Commonwealth of Pennsylvania or by the Delaware River Port
13 Authority or by the participating university or by the
14 participating transit or port authority or by the Allegheny
15 County Housing Authority or by the participating housing
16 authority or by the county, city, borough, town or township, any
17 workmen's compensation, received or collected by any such
18 employe for such period, shall be turned over to the
19 Commonwealth of Pennsylvania or to the Delaware River Port
20 Authority or to the participating university or to the
21 participating transit or port authority or to the Allegheny
22 County Housing Authority or to the participating housing
23 authority or to such county, city, borough, town or township,
24 and paid into the treasury thereof, and if such payment shall
25 not be so made by the employe the amount so due the Commonwealth
26 of Pennsylvania, the Delaware River Port Authority or the
27 participating university or the participating transit or port
28 authority or the Allegheny County Housing Authority or the
29 participating housing authority or the county, city, borough,
30 town or township shall be deducted from any salary then or

1 thereafter becoming due and owing.

2 (b) In the case of:

3 (1) the State Police Force;

4 (2) enforcement officers and investigators employed by the
5 Pennsylvania Liquor Control Board;

6 (3) the parole agents, enforcement officers and
7 investigators of the Pennsylvania Parole Board [of Probation and
8 Parole];

9 (3.1) probation officers employed by a participating county;

10 (4) Capitol Police officers;

11 (4.1) campus police officers employed by a participating
12 university;

13 (5) correction employees employed by the Department of
14 Corrections, whose principal duty is the care, custody and
15 control of inmates;

16 (5.1) commissioned police officers employed by the
17 Department of Corrections, Bureau of Investigations and
18 Intelligence;

19 (6) psychiatric security aides employed by the Department of
20 Human Services and the Department of Corrections whose principal
21 duty is the care, custody, and control of the criminally insane;

22 (7) drug enforcement agents of the Office of Attorney
23 General whose principal duty is the enforcement of the drug laws
24 of the Commonwealth;

25 (8) special agents of the Office of Attorney General whose
26 principal duty is the enforcement of the criminal laws of the
27 Commonwealth;

28 (9) members of the Delaware River Port Authority Police;

29 (10) salaried policemen and firemen;

30 (10.1) firemen employed by the Commonwealth;

(11) sheriffs and deputy sheriffs; [and]

(12) enforcement officers and investigators of the Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission;

(13) DCNR Rangers, DCNR Ranger Supervisors, DCNR Ranger Operations Specialists, DCNR Ranger Trainees and State Park Officers employed by the Department of Conservation and Natural Resources;

(14) members of the Fort Indiantown Gap Police;

(15) enforcement officers, as defined in 71 Pa.C.S. § 5102, who are employed by the Office of State Inspector General and whose principal duties include the enforcement of the provisions specified in section 506-A of "The Administrative Code of 1929";

(16) transit police officers employed by a participating transit or port authority;

(17) members of the Allegheny County Housing Authority Police;

(18) housing police officers employed by a participating housing authority; and

(19) corrections officers or jail guards employed by a participating county and whose principal duty is the care, custody and control of inmates;

who have served for four consecutive years or longer, diseases of the heart and tuberculosis of the respiratory system, contracted or incurred by any of them after four years of continuous service as such, and caused by extreme overexertion in times of stress or danger or by exposure to heat, smoke, fumes or gases, arising directly out of the employment shall be compensable in accordance with the terms hereof; and unless any such disability shall be compensable under the compensation laws

1 as having been caused by accidental injury, such disability
2 shall be compensable as occupational disease disabilities are
3 presently compensable under the compensation laws of this
4 Commonwealth. It shall be presumed that tuberculosis of the
5 respiratory system contracted or incurred after four consecutive
6 years of service was contracted or incurred as a direct result
7 of employment.

8 (c) In the case of any person receiving benefits pursuant to
9 this act, the statutes of limitations set forth in sections
10 306.1, 315, 413, and 434 of the act of June 2, 1915 (P.L.736,
11 No.338), known as the "Workers' Compensation Act," shall not
12 begin to run until the expiration of the receipt of benefits
13 pursuant to this act.

14 (d) (1) All payments herein required to be made by the
15 Commonwealth of Pennsylvania on account of any member of the
16 State Police Force shall be made from moneys appropriated to the
17 Pennsylvania State Police.

18 (2) Any payments required to be made on account of any
19 enforcement officer or investigator employed by the Pennsylvania
20 Liquor Control Board shall be made from appropriations out of
21 the State Stores Fund.

22 (3) Any payments required to be made on account of any
23 parole agent, enforcement officer or investigator employed by
24 the Pennsylvania Parole Board [of Probation and Parole] shall be
25 made from moneys appropriated to the Pennsylvania Parole Board
26 [of Probation and Parole].

27 (4) Any payments required to be made on account of Capitol
28 Police officers shall be made from moneys appropriated to the
29 Department of General Services.

30 (5) Any payments required to be made on account of any

1 correction employe or any commissioned police officer employed
2 by the Department of Corrections, Bureau of Investigations and
3 Intelligence, shall be made from moneys appropriated to the
4 Department of Corrections.

5 (6) Any payments required to be made on account of any
6 psychiatric security aides shall be made from moneys
7 appropriated to the Department of Human Services or the
8 Department of Corrections where appropriate.

9 (6.1) Any payments required to be made on account of any
10 campus police officers employed by a participating university
11 shall be made from moneys appropriated to the participating
12 university.

13 (6.2) Any payments required to be made on account of any
14 DCNR Rangers, DCNR Ranger Supervisors, DCNR Ranger Operations
15 Specialists, DCNR Ranger Trainees and State Park Officers
16 employed by the Department of Conservation and Natural Resources
17 shall be made from moneys appropriated to the Department of
18 Conservation and Natural Resources.

19 (6.3) Any payments required to be made on account of any
20 members of the Fort Indiantown Gap Police Force employed by the
21 Department of Military and Veterans Affairs shall be made from
22 moneys appropriated to the Department of Military and Veterans
23 Affairs.

24 (6.4) Any payments required to be made on account of any
25 enforcement officer, as defined in 71 Pa.C.S. § 5102, who is
26 employed by the Office of State Inspector General and whose
27 principal duties include the enforcement of the provisions
28 specified in section 506-A of "The Administrative Code of 1929,"
29 shall be made from moneys appropriated to the Office of State
30 Inspector General.

1 (6.5) (Reserved).

2 (6.6) Any payments required to be made on account of any
3 members of a participating transit or port authority shall be
4 made from moneys appropriated to the participating transit or
5 port authority.

6 (6.7) Any payments required to be made on account of any
7 members of the Allegheny County Housing Authority Police shall
8 be made from any moneys appropriated to the Allegheny County
9 Housing Authority.

10 (6.8) Any payments required to be made on account of any
11 members of a participating housing authority shall be made from
12 moneys appropriated to the housing authority.

13 (7) Any payments required to be made on account of any drug
14 enforcement agent or special agents shall be made from moneys
15 appropriated to the Office of Attorney General and any payments
16 required to be made on account of any fireman employed by the
17 Commonwealth shall be made from moneys appropriated to the
18 employing agency.

19 (8) Any payments required to be made on account of any
20 enforcement officers or investigators of the Pennsylvania Game
21 Commission shall be made from moneys appropriated to the
22 Pennsylvania Game Commission or executively authorized from the
23 Game Fund under 34 Pa.C.S. Ch. 5 Subch. B (relating to Game
24 Fund).

25 (9) Any payments required to be made on account of any
26 enforcement officers or investigators of the Pennsylvania Fish
27 and Boat Commission shall be made from moneys appropriated to
28 the Pennsylvania Fish and Boat Commission or executively
29 authorized from the Fish Fund under 30 Pa.C.S. Ch. 5 Subch. B
30 (relating to the Fish Fund) or the Boat Fund under 30 Pa.C.S.

1 Ch. 5 Subch. C (relating to the Boat Fund).

2 Section 2.1. For the purposes of this act, the [term
3 "fireman" shall mean and include the following:] following words
4 and phrases shall have the meanings given to them in this
5 section unless the context clearly indicates otherwise:

6 "Fireman." Any of the following:

7 (1) Paid firemen not employed by the Commonwealth.

8 (2) Emergency medical services personnel employed within a
9 city fire department.

10 (3) Firemen of airport authorities, including fire
11 suppression instructors.

12 (4) Fire and safety marshals who are firemen employed by the
13 Commonwealth.

14 (5) Fire academy instructors employed at the State Fire
15 Academy.

16 (6) Assistant fire marshals employed by the Commonwealth.

17 (7) [Forest patrolmen and forest technicians] Forest fire
18 wardens or wildland firefighters employed by the Commonwealth.

19 "Participating county." A county that elects or bargains to
20 participate in this act by posting a notice on the county's
21 publicly accessible Internet website, which election shall be
22 irrevocable after participation commences.

23 "Participating housing authority." A housing authority that
24 elects or bargains to participate in this act by posting a
25 notice on the housing authority's publicly accessible Internet
26 website, which election shall be irrevocable after participation
27 commences.

28 "Participating transit or port authority." A transit or port
29 authority that elects or bargains to participate in this act by
30 posting a notice on the transit or port authority's publicly

1 accessible Internet website, which election shall be irrevocable
2 after participation commences.

3 "Participating university." Any of the following that elects
4 or bargains to participate in this act by posting a notice on
5 the university's publicly accessible Internet website, which
6 election shall be irrevocable after participation commences:

7 (1) A State-owned university.

8 (2) A community college.

9 (3) A State-related college or university.

10 (4) A State-aided college or university.

11 Section 2. This act shall take effect in 120 days.