

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2435 Session of
1982

INTRODUCED BY DeWEESE, COWELL, SWEET, COCHRAN, HALUSKA, TELEK,
OLASZ, LESCOVITZ, MICHLOVIC, PISTELLA, WOGAN, McINTYRE AND
O'DONNELL, APRIL 26, 1982

REFERRED TO COMMITTEE ON MINES AND ENERGY MANAGEMENT, APRIL 26,
1982

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, correction
8 officers employed by the Bureau of Corrections whose
9 principal duty is the care, custody and control of inmates,
10 psychiatric security aides employed by the Department of
11 Public Welfare and the Bureau of Corrections whose principal
12 duty is the care, custody, and control of the criminally
13 insane, and drug enforcement agents of the Department of
14 Justice whose principal duty is the enforcement of the drug
15 laws of the Commonwealth, members of the Delaware River Port
16 Authority Police and of policemen, firemen and park guards by
17 the Commonwealth of Pennsylvania, the Delaware River Port
18 Authority, counties, cities, boroughs, towns and townships,
19 who are injured or contract certain diseases in the
20 performance of their duty; and providing that absence during
21 such injury shall not reduce any usual sick leave period,"
22 extending benefits to mine inspectors of the Department of
23 Environmental Resources and making editorial changes.

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

26 Section 1. The title and section 1, act of June 28, 1935
27 (P.L.477, No.193), referred to as the Enforcement Officer

1 Disability Benefits Law, amended July 1, 1978 (P.L.687, No.117),
2 are amended to read:

3 AN ACT

4 Providing for the payment of the salary, medical and hospital
5 expenses of members of the State Police Force, of the
6 enforcement officers and investigators employed by the
7 Pennsylvania Liquor Control Board, and the parole agents,
8 enforcement officers and investigators of the Pennsylvania
9 Board of Probation and Parole, correction officers employed
10 by the Bureau of Corrections whose principal duty is the
11 care, custody and control of inmates, psychiatric security
12 aides employed by the Department of Public Welfare and the
13 Bureau of Corrections whose principal duty is the care,
14 custody, and control of the criminally insane, and drug
15 enforcement agents of the [Department of Justice] Office of
16 Attorney General whose principal duty is the enforcement of
17 the drug laws of the Commonwealth, mine inspectors of the
18 Department of Environmental Resources, members of the
19 Delaware River Port Authority Police and of policemen,
20 firemen and park guards by the Commonwealth of Pennsylvania,
21 the Delaware River Port Authority, counties, cities,
22 boroughs, towns and townships, who are injured or contract
23 certain diseases in the performance of their duty; and
24 providing that absence during such injury shall not reduce
25 any usual sick leave period.

26 Section 1. (a) Be it enacted, &c., That any member of the
27 State Police Force, any enforcement officer or investigator
28 employed by the Pennsylvania Liquor Control Board, and the
29 parole agents, enforcement officers and investigators of the
30 Pennsylvania Board of Probation and Parole, correction officers

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

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

19 (b) In the case of the State Police Force, enforcement
20 officers and investigators employed by the Pennsylvania Liquor
21 Control Board and the parole agents, enforcement officers and
22 investigators of the Pennsylvania Board of Probation and Parole,
23 correction officers employed by the Bureau of Corrections, whose
24 principal duty is the care, custody and control of inmates,
25 psychiatric security aides employed by the Department of Public
26 Welfare and the Bureau of Corrections whose principal duty is
27 the care, custody, and control of the criminally insane, and
28 drug enforcement agents of the [Department of Justice] Office of
29 Attorney General whose principal duty is the enforcement of the
30 drug laws of the Commonwealth, mine inspectors of the Department

1 of Environmental Resources, members of the Delaware River Port
2 Authority Police and salaried policemen and firemen who have
3 served for four consecutive years or longer, diseases of the
4 heart and tuberculosis of the respiratory system, contracted or
5 incurred by any of them after four years of continuous service
6 as such, and caused by extreme overexertion in times of stress
7 or danger or by exposure to heat, smoke, fumes or gases, arising
8 directly out of the employment of any such member of the State
9 Police Force, enforcement officer, investigator employed by the
10 Pennsylvania Liquor Control Board, guard or enforcement officer
11 employed by the Bureau of Corrections or parole agent,
12 enforcement officer or investigator of the Pennsylvania Board of
13 Probation and Parole, correction officers employed by the Bureau
14 of Corrections whose principal duty is the care, custody and
15 control of inmates, psychiatric security aides employed by the
16 Department of Public Welfare and the Bureau of Corrections whose
17 principal duty is the care, custody, and control of the
18 criminally insane, and drug enforcement agents of the
19 [Department of Justice] Office of Attorney General whose
20 principal duty is the enforcement of the drug laws of the
21 Commonwealth, mine inspectors of the Department of Environmental
22 Resources, member of the Delaware River Port Authority Police,
23 or policeman or fireman, shall be compensable in accordance with
24 the terms hereof; and unless any such disability shall be
25 compensable under the compensation laws as having been caused by
26 accidental injury, such disability shall be compensable as
27 occupational disease disabilities are presently compensable
28 under the compensation laws of this Commonwealth. It shall be
29 presumed that tuberculosis of the respiratory system contracted
30 or incurred after four consecutive years of service was

1 contracted or incurred as a direct result of employment.

2 (c) In the case of any person receiving benefits pursuant to
3 this act, the statutes of limitations set forth in sections
4 306.1, 315, 413, and 434 of the act of June 2, 1915 (P.L.736,
5 No.338), known as "The Pennsylvania Workmen's Compensation Act,"
6 shall not begin to run until the expiration of the receipt of
7 benefits pursuant to this act.

8 (d) All payments herein required to be made by the
9 Commonwealth of Pennsylvania on account of any member of the
10 State Police Force shall be made from moneys appropriated to the
11 Pennsylvania State Police, and any payments required to be made
12 on account of any enforcement officer or investigator employed
13 by the Pennsylvania Liquor Control Board shall be from
14 appropriations out of the State Stores Fund, any payments
15 required to be made on account of any parole agent, enforcement
16 officer or investigator employed by the Pennsylvania Board of
17 Probation and Parole shall be from moneys appropriated to the
18 Pennsylvania Board of Probation and Parole, any payments
19 required to be made on account of any correction officer shall
20 be made from moneys appropriated to the Bureau of Corrections,
21 any payments required to be made on account of any psychiatric
22 security aides shall be made from moneys appropriated to the
23 Department of Public Welfare or the Bureau of Corrections where
24 appropriate, [and] any payments required to be made on account
25 of any drug enforcement agent shall be made from moneys
26 appropriated to the [Department of Justice] Office of Attorney
27 General and any payments required to be made on account of any
28 mine inspector shall be made from moneys appropriated to the
29 Department of Environmental Resources.

30 Section 2. This act shall take effect immediately.