

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 889** Session of
2015

INTRODUCED BY BAKER, SCAVELLO, BLAKE, TEPLITZ, WILEY, BREWSTER,
FONTANA, RAFFERTY, STEFANO, YUDICHAK, MENSCH, TARTAGLIONE,
WARD, KITCHEN, HUTCHINSON, ALLOWAY, BARTOLOTTA, YAW, VOGEL,
COSTA, ARGALL, BROWNE, WAGNER AND RESCHENTHALER,
JUNE 16, 2015

SENATOR BROWNE, APPROPRIATIONS, RE-REPORTED AS AMENDED, JANUARY
26, 2016

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 employes 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, and sheriffs and
22 deputy sheriffs who are injured or contract certain diseases
23 in the performance of their duty; and providing that absence
24 during such injury shall not reduce any usual sick leave
25 period," extending benefits to certain employees of the
26 Pennsylvania Game Commission and the Pennsylvania Fish and
27 Boat Commission; and making editorial changes.

28 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 March 15, 2006 (P.L.55, No.20)
5 and July 7, 2006 (P.L.614, No.95), 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 employes 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 members of the Delaware River Port Authority Police and of
24 policemen, firemen and park guards by the Commonwealth of
25 Pennsylvania, the Delaware River Port Authority, counties,
26 cities, boroughs, towns and townships, and sheriffs and
27 deputy sheriffs] certain employes of State and local
28 government who are injured or contract certain diseases in
29 the performance of their duty; and providing that absence
30 during such injury shall not reduce any usual sick leave

1 period.

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

3 (1) any member of the State Police Force[,];

4 (2) any enforcement officer or investigator employed by the
5 Pennsylvania Liquor Control Board[, and];

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

9 (4) Capitol Police officers[,];

10 (5) correction employes employed by the Department of
11 Corrections, whose principal duty is the care, custody and
12 control of inmates[,];

13 (6) psychiatric security aides employed by the Department of
14 Public Welfare and the Department of Corrections, whose
15 principal duty is the care, custody, and control of the
16 criminally insane[,];

17 (7) drug enforcement agents of the Office of Attorney
18 General whose principal duty is the enforcement of the drug laws
19 of the Commonwealth[,];

20 (8) special agents of the Office of Attorney General whose
21 principal duty is the enforcement of the criminal laws of the
22 Commonwealth[,];

23 (9) any member of the Delaware River Port Authority
24 Police[,];

25 (10) any policeman, fireman or park guard of any county,
26 city, borough, town or township[, or];

27 (11) any sheriff or deputy sheriff; or

28 (12) any enforcement officer or investigator of the
29 Pennsylvania Game Commission or the Pennsylvania Fish and Boat
30 Commission

1 who is injured in the performance of his duties including, in
2 the case of firemen, duty as special fire police, and by reason
3 thereof is temporarily incapacitated from performing his duties,
4 shall be paid by the Commonwealth of Pennsylvania if [a member
5 of the State Police Force or an enforcement officer or
6 investigator employed by the Pennsylvania Liquor Control Board
7 or the parole agents, enforcement officers and investigators of
8 the Pennsylvania Board of Probation and Parole, Capitol Police
9 officers, correction employes 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,] an employe identified under
19 paragraph (1), (2), (3), (4), (5), (6), (7), (8) or (12) or by
20 the Delaware River Port Authority if a member of the Delaware
21 River Port Authority Police or by the county, township or
22 municipality, by which he is employed, his full rate of salary,
23 as fixed by ordinance or resolution, until the disability
24 arising therefrom has ceased. All medical and hospital bills,
25 incurred in connection with any such injury, shall be paid by
26 the Commonwealth of Pennsylvania or by the Delaware River Port
27 Authority or by such county, township or municipality. During
28 the time salary for temporary incapacity shall be paid by the
29 Commonwealth of Pennsylvania or by the Delaware River Port
30 Authority or by the county, city, borough, town or township, any

1 workmen's compensation, received or collected by any such
2 employe for such period, shall be turned over to the
3 Commonwealth of Pennsylvania or to the Delaware River Port
4 Authority or to such county, city, borough, town or township,
5 and paid into the treasury thereof, and if such payment shall
6 not be so made by the employe the amount so due the Commonwealth
7 of Pennsylvania, the Delaware River Port Authority or the
8 county, city, borough, town or township shall be deducted from
9 any salary then or thereafter becoming due and owing.

10 (b) In the case of:

11 (1) the State Police Force[,];

12 (2) enforcement officers and investigators employed by the
13 Pennsylvania Liquor Control Board [and];

14 (3) the parole agents, enforcement officers and
15 investigators of the Pennsylvania Board of Probation and
16 Parole[,];

17 (4) Capitol Police officers[,];

18 (5) correction employes employed by the Department of
19 Corrections, whose principal duty is the care, custody and
20 control of inmates[,];

21 (6) psychiatric security aides employed by the Department of
22 Public Welfare and the Department of Corrections whose principal
23 duty is the care, custody, and control of the criminally
24 insane[,];

25 (7) drug enforcement agents of the Office of Attorney
26 General whose principal duty is the enforcement of the drug laws
27 of the Commonwealth[,];

28 (8) special agents of the Office of Attorney General whose
29 principal duty is the enforcement of the criminal laws of the
30 Commonwealth[,];

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

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

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 from appropriations out of the
21 State Stores Fund[, any].

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

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[, any].

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

1 correction employe shall be made from moneys appropriated to the
2 Department of Corrections[, any].

3 (6) Any payments required to be made on account of any
4 psychiatric security aides shall be made from moneys
5 appropriated to the Department of Public Welfare or the
6 Department of Corrections where appropriate[, and any].

7 (7) Any payments required to be made on account of any drug
8 enforcement agent or special agents shall be made from moneys
9 appropriated to the Office of Attorney General.

10 (8) Any payments required to be made on account of any
11 enforcement officers or investigators of the Pennsylvania Game
12 Commission shall be made from moneys appropriated to the
13 Pennsylvania Game Commission. OR EXECUTIVELY AUTHORIZED FROM THE <--
14 GAME FUND UNDER 34 PA.C.S. CH. 5 SUBCH. B (RELATING TO GAME
15 FUND).

16 (9) Any payments required to be made on account of any
17 enforcement officers or investigators of the Pennsylvania Fish
18 and Boat Commission shall be made from moneys appropriated to
19 the Pennsylvania Fish and Boat Commission. OR EXECUTIVELY <--
20 AUTHORIZED FROM THE FISH FUND UNDER 30 PA.C.S. CH. 5 SUBCH. B
21 (RELATING TO THE FISH FUND) OR THE BOAT FUND UNDER 30 PA.C.S.
22 CH. 5 SUBCH. C (RELATING TO THE BOAT FUND).

23 Section 2. This act shall take effect in 60 days.