

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, MUTH AND AUMENT, MARCH 1, 2023

AS AMENDED ON SECOND CONSIDERATION, JUNE 6, 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] EMPLOYED BY THE DEPARTMENT OF CORRECTIONS; <--

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

1 Officers employed by the Department of Conservation and Natural  
2 Resources;  
3 (14) members of the Fort Indiantown Gap Police;  
4 (15) enforcement officers, as defined in 71 Pa.C.S. § 5102  
5 (relating to definitions), who are employed by the Office of  
6 State Inspector General and whose principal duties include the  
7 enforcement of the provisions specified in section 506-A of the  
8 act of April 9, 1929 (P.L.177, No.175), known as "The  
9 Administrative Code of 1929";  
10 (16) transit police officers employed by a participating  
11 transit or port authority;  
12 (17) members of the Allegheny County Housing Authority  
13 Police;  
14 (18) housing police officers employed by a participating  
15 housing authority; or  
16 (19) corrections officers or jail guards employed by a  
17 participating county and whose principal duty is the care,  
18 custody and control of inmates;  
19 who is injured in the performance of his duties including, in  
20 the case of firemen, duty as special fire police, and by reason  
21 thereof is temporarily incapacitated from performing his duties,  
22 shall be paid by the Commonwealth of Pennsylvania if an employe  
23 identified under paragraph (1), (2), (3), (4), (5), (5.1), (6),  
24 (7), (8) [or], (12), (13), (14) or (15) or by the Delaware River  
25 Port Authority if a member of the Delaware River Port Authority  
26 Police or by the participating university if a campus police  
27 officer or by a participating transit or port authority if a  
28 transit police officer or by the Allegheny County Housing  
29 Authority if a member of the Allegheny County Housing Authority  
30 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] EMPLOYED BY THE DEPARTMENT OF CORRECTIONS; <--

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 employes 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;

1 (11) sheriffs and deputy sheriffs; [and]

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

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

9 (14) members of the Fort Indiantown Gap Police;

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

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

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

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

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

23 who have served for four consecutive years or longer, diseases  
24 of the heart and tuberculosis of the respiratory system,  
25 contracted or incurred by any of them after four years of  
26 continuous service as such, and caused by extreme overexertion  
27 in times of stress or danger or by exposure to heat, smoke,  
28 fumes or gases, arising directly out of the employment shall be  
29 compensable in accordance with the terms hereof; and unless any  
30 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, PAROLE AGENT or any commissioned police  
2 officer employed by the Department of Corrections, Bureau of  
3 Investigations and Intelligence, shall be made from moneys  
4 appropriated to the 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.