

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1705 Session of 2015

INTRODUCED BY WHEELAND, ROZZI, MARSHALL, DRISCOLL, HEFFLEY, KINSEY, COHEN, YOUNGBLOOD, BAKER, D. COSTA, MAJOR, EVERETT, CUTLER, GOODMAN, GIBBONS, THOMAS, SAYLOR AND JOZWIAK, NOVEMBER 16, 2015

REFERRED TO COMMITTEE ON GAME AND FISHERIES, NOVEMBER 16, 2015

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  
 29 hereby enacts as follows:

1 Section 1. The title and section 1 of the act of June 28,  
2 1935 (P.L.477, No.193), referred to as the Enforcement Officer  
3 Disability Benefits Law, amended March 15, 2006 (P.L.55, No.20)  
4 and July 7, 2006 (P.L.614, No.95), are amended to read:

5 AN ACT

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

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

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

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

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

8 (4) Capitol Police officers[,];

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

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

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

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

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

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

26 (11) any sheriff or deputy sheriff; or

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

30 who is injured in the performance of his duties including, in

1 the case of firemen, duty as special fire police, and by reason  
2 thereof is temporarily incapacitated from performing his duties,  
3 shall be paid by the Commonwealth of Pennsylvania if [a member  
4 of the State Police Force or an enforcement officer or  
5 investigator employed by the Pennsylvania Liquor Control Board  
6 or the parole agents, enforcement officers and investigators of  
7 the 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 the  
11 Department of Public Welfare and the Department of Corrections,  
12 whose principal duty is the care, custody, and control of the  
13 criminally insane, drug enforcement agents of the Office of  
14 Attorney General whose principal duty is the enforcement of the  
15 drug laws of the Commonwealth, special agents of the Office of  
16 Attorney General whose principal duty is the enforcement of the  
17 criminal laws of the Commonwealth,] an employe identified under  
18 paragraph (1), (2), (3), (4), (5), (6), (7), (8) or (12), or by  
19 the Delaware River Port Authority if a member of the Delaware  
20 River Port Authority Police or by the county, township or  
21 municipality, by which he is employed, his full rate of salary,  
22 as fixed by ordinance or resolution, until the disability  
23 arising therefrom has ceased. All medical and hospital bills,  
24 incurred in connection with any such injury, shall be paid by  
25 the Commonwealth of Pennsylvania or by the Delaware River Port  
26 Authority or by such county, township or municipality. During  
27 the time salary for temporary incapacity shall be paid by the  
28 Commonwealth of Pennsylvania or by the Delaware River Port  
29 Authority or by the county, city, borough, town or township, any  
30 workmen's compensation, received or collected by any such

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

9 (b) In the case of:

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

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

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

16 (4) Capitol Police officers[,];

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

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

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

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

30 (9) members of [the] The Delaware River Port Authority

1 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 terms  
30 hereof; and unless any such disability shall be compensable

1 under the compensation laws as having been caused by accidental  
2 injury, such disability shall be compensable as occupational  
3 disease disabilities are presently compensable under the  
4 compensation laws of this Commonwealth. It shall be presumed  
5 that tuberculosis of the respiratory system contracted or  
6 incurred after four consecutive years of service was contracted  
7 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 The 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 or the Boat Fund under 30 Pa.C.S.  
21 Ch. 5 Subch. B (relating to the Fish Fund) or C (relating to the  
22 Boat Fund).

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