

No. 2016-113

AN ACT

SB 889

Amending the act of June 28, 1935 (P.L.477, No.193), entitled, as amended, "An act providing for the payment of the salary, medical and hospital expenses of members of the State Police Force, of the enforcement officers and investigators employed by the Pennsylvania Liquor Control Board, and the parole agents, enforcement officers and investigators of the Pennsylvania Board of Probation and Parole, Capitol Police officers, correction employes employed by the Department of Corrections whose principal duty is the care, custody and control of inmates, psychiatric security aides employed by the Department of Public Welfare and the Department of Corrections whose principal duty is the care, custody, and control of the criminally insane, drug enforcement agents of the Office of Attorney General whose principal duty is the enforcement of the drug laws of the Commonwealth, special agents of the Office of Attorney General whose principal duty is the enforcement of the criminal laws of the Commonwealth, members of the Delaware River Port Authority Police and of policemen, firemen and park guards by the Commonwealth of Pennsylvania, the Delaware River Port Authority, counties, cities, boroughs, towns and townships, and sheriffs and deputy sheriffs who are injured or contract certain diseases in the performance of their duty; and providing that absence during such injury shall not reduce any usual sick leave period," extending benefits to certain employees of the Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission; and making editorial changes.

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

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

AN ACT

Providing for the payment of the salary, medical and hospital expenses of **[members of the State Police Force, of the enforcement officers and investigators employed by the Pennsylvania Liquor Control Board, and the parole agents, enforcement officers and investigators of the Pennsylvania Board of Probation and Parole, Capitol Police officers, correction employes employed by the Department of Corrections whose principal duty is the care, custody and control of inmates, psychiatric security aides employed by the Department of Public Welfare and the Department of Corrections whose principal duty is the care, custody, and control of the criminally insane, drug enforcement agents of the Office of Attorney General whose principal duty is the enforcement of the drug laws of the Commonwealth, special agents of the Office of Attorney General whose principal duty is the enforcement of the criminal laws of the Commonwealth, members of the Delaware River Port Authority Police and of policemen, firemen and park guards by the Commonwealth of**

**Pennsylvania, the Delaware River Port Authority, counties, cities, boroughs, towns and townships, and sheriffs and deputy sheriffs] certain employes of State and local government** who are injured or contract certain diseases in the performance of their duty; and providing that absence during such injury shall not reduce any usual sick leave period.

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

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

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

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

(4) Capitol Police officers[,];

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

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

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

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

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

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

(11) any sheriff or deputy sheriff; *or*

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

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 [a member of the State Police Force or an enforcement officer or investigator employed by the Pennsylvania Liquor Control Board or the parole agents, enforcement officers and investigators of the Pennsylvania Board of Probation and Parole, Capitol Police officers, correction employes employed by the Department of Corrections, whose principal duty is the care, custody and control of inmates, psychiatric security aides employed by the Department of Public Welfare and the Department of Corrections, whose principal duty is the care, custody, and control of the criminally insane, drug enforcement agents of the Office of Attorney General whose principal duty is the enforcement of the drug laws of the Commonwealth, special agents of the Office of Attorney General whose principal duty is the enforcement of the criminal laws of the Commonwealth,] **an employe identified under paragraph (1), (2), (3), (4), (5), (6), (7), (8) or (12)** or by the Delaware River Port Authority if a member of the Delaware River Port Authority Police or by the county, township or municipality, by which he is employed, his full rate of salary, as fixed by ordinance or resolution, until the disability arising therefrom has ceased. All

medical and hospital bills, incurred in connection with any such injury, shall be paid by the Commonwealth of Pennsylvania or by the Delaware River Port Authority or by such county, township or municipality. During the time salary for temporary incapacity shall be paid by the Commonwealth of Pennsylvania or by the Delaware River Port Authority or by the county, city, borough, town or township, any workmen's compensation, received or collected by any such employe for such period, shall be turned over to the Commonwealth of Pennsylvania or to the Delaware River Port Authority or to such county, city, borough, town or township, and paid into the treasury thereof, and if such payment shall not be so made by the employe the amount so due the Commonwealth of Pennsylvania, the Delaware River Port Authority or the county, city, borough, town or township shall be deducted from any salary then or thereafter becoming due and owing.

(b) In the case of:

(1) the State Police Force[,];

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

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

(4) Capitol Police officers[,];

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

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

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

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

(9) members of the Delaware River Port Authority Police[,];

(10) salaried policemen and firemen[ **and**];

(11) sheriffs and deputy sheriffs; **and**

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

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 **[of any such member of the State Police Force, enforcement officer, investigator employed by the Pennsylvania Liquor Control Board, guard or enforcement officer employed by the Department of Corrections or parole agent, enforcement officer or investigator of the Pennsylvania Board of Probation and Parole, Capitol Police officers, correction employes employed by the Department of Corrections whose principal duty is the care, custody and control of inmates, psychiatric security aides employed by the Department of Public Welfare and the Department of Corrections whose principal duty is the care, custody, and control of the criminally insane, drug enforcement agents of the**

**Office of Attorney General whose principal duty is the enforcement of the drug laws of the Commonwealth, special agents of the Office of Attorney General whose principal duty is the enforcement of the criminal laws of the Commonwealth, member of the Delaware River Port Authority Police, policeman or fireman, or sheriff or deputy sheriff]** shall be compensable in accordance with the terms hereof; and unless any such disability shall be compensable under the compensation laws as having been caused by accidental injury, such disability shall be compensable as occupational disease disabilities are presently compensable under the compensation laws of this Commonwealth. It shall be presumed that tuberculosis of the respiratory system contracted or incurred after four consecutive years of service was contracted or incurred as a direct result of employment.

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

(d) (1) All payments herein required to be made by the Commonwealth of Pennsylvania on account of any member of the State Police Force shall be made from moneys appropriated to the Pennsylvania State Police[, and any].

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

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

(4) *Any* payments required to be made on account of Capitol Police officers shall be made from moneys appropriated to the Department of General Services[, any].

(5) *Any* payments required to be made on account of any correction employe shall be made from moneys appropriated to the Department of Corrections[, any].

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

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

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

(9) *Any payments required to be made on account of any enforcement officers or investigators of the Pennsylvania Fish and Boat Commission shall be made from moneys appropriated to the Pennsylvania Fish and*

***Boat Commission or executively authorized from the Fish Fund under 30 Pa.C.S. Ch. 5 Subch. B (relating to the Fish Fund) or the Boat Fund under 30 Pa.C.S. Ch. 5 Subch. C (relating to the Boat Fund).***

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

APPROVED—The 26th day of October, A.D. 2016

TOM WOLF