

No. 177

AN ACT

SB 1478

Amending the act of June 21, 1939 (P.L.566), entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools; creating a medical board to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board; imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation; and prescribing penalties," providing for the coordination of compensation payable under this act with awards of benefits under the Federal Coal Mine Health and Safety Act of 1969.

Congress has recently recognized the effect of "Black Lung," as the disease of coal miners is called, and has enacted the Federal Coal Mine Health and Safety Act of 1969 to provide for payments by the United States to victims of this disease and their dependents because of the lack of or inadequacy of compensation in such cases under the laws and insurance systems of most states. To encourage assumption of responsibility within the states for such insurance, Congress has provided that Federal payments shall not be made in any state which reduces compensation funded in whole or in part by employers payable to victims of the disease after the date of enactment of said Federal law. The Federal law according to Federal administrative interpretation permits a state which provides benefits solely from general revenues, to discontinue such benefits without penalty to the state or to the claimant. Because of the inconsistency between the act and the administrative interpretation, the state amending legislation must be so written to protect the recipients' rights to receive both state and Federal payments in the event that any future action of Congress, Federal executive departments or determination of the courts should change the administrative interpretation.

It is the purpose and intent of the measures herein set forth to provide for the coordination of the payments made under this act with awards of benefits under the Federal Coal Mine Health and Safety Act of 1969, so that general revenue funds of the Commonwealth can be partially relieved by reason of the payment of benefits awarded under the Federal law and at the same time without adversely affecting the benefit rights of eligible miners and their dependents. It is also the purpose and intent of this act to protect the continued and future eligibility of present recipients of State payments under the Pennsylvania Occupational Disease Laws.

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

Section 1. Section 301, act of June 21, 1939 (P.L.566), known as "The Pennsylvania Occupational Disease Act," is amended by adding a new subsection to read:

Section 301. * * *

(k) Upon the award of any benefits under the Federal Coal Mine Health and Safety Act of 1969 to a person who is also receiving or

claiming monthly compensation totally funded by general revenues of the Commonwealth of Pennsylvania under subsections (a), (i), or (j) of section 301, such person shall have his monthly compensation from general revenues of the Commonwealth suspended effective with the month following the month of award of Federal benefits, as may be evidenced by a copy of the Federal award certificate, or effective with the month of enactment of this amendment, whichever is later. Upon any future action by the United States Congress, Federal executive departments, or Federal courts which would make present recipients under the Pennsylvania Occupational Disease Act eligible for both Federal and State payments, the sum of which would exceed the maximum authorized Federal payment, the eligible recipients would then receive retroactively all State payments that were suspended under the authority of this act. All such recipients who have their State payments suspended shall continue their eligibility and entitlement under the Pennsylvania Occupational Disease Act and at any time in the future for whatever reason that such recipients' payments under the Federal law are terminated, suspended or reduced their State payments shall be reinstated effective with the month following the month that Federal benefits are terminated, suspended or reduced. The recipients' entitlement to weekly compensation and the maximum sum thereof provided under clause 2 of subsection (a) of section 301 shall remain unchanged, and no reduction shall be made in the medical and hospital compensation payable under subsection (f) of section 306 or in the burial expenses payable under clause 8 of section 307.

Section 2. This act shall take effect immediately.

APPROVED—The 22nd day of July, A. D. 1970.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly No. 177.



Secretary of the Commonwealth.