

No. 1979-16

## AN ACT

## HB 510

Amending the act of June 21, 1939 (P.L.566, No.284), 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," further providing for compensation.

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

Section 1. Subsections (k) and (l) of section 301, act of June 21, 1939 (P.L.566, No.284), known as "The Pennsylvania Occupational Disease Act," subsection (k) added July 22, 1970 (P.L.511, No.177) and subsection (l) added October 4, 1978 (P.L.1011, No.217), are amended 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) or (l)** 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.

(l) Every person heretofore or hereafter qualified for additional compensation under the provisions of **clause 2 of subsection (a) or subsection (i)** shall, beginning with the month following the effective date of this amending act, or the month of qualification, whichever occurs later, be paid further compensation of twenty-five dollars (\$25) per month during the period of disability. Such further compensation paid to a person heretofore **or hereafter** qualified shall be paid by the Commonwealth.

Section 2. This act shall take effect immediately and shall be retroactive to December 3, 1978.

APPROVED—The 13th day of June, A. D. 1979.

DICK THORNBURGH