

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1429 Session of  
1975

INTRODUCED BY WALSH AND McLANE, JUNE 10, 1975

REFERRED TO COMMITTEE ON URBAN AFFAIRS, JUNE 11, 1975

AN ACT

1 Reenacting and amending the act of November 10, 1965 (P.L.835,  
2 No.351), entitled "An act providing pensions for surviving  
3 spouses of police officers in cities of the second class A  
4 under certain terms and conditions, and providing for  
5 contributions by members of the police pension or retirement  
6 fund and appropriations by the city for that purpose,"  
7 extending the provisions of the act to firemen in cities of  
8 the second class A.

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

11 Section 1. The title and act of November 10, 1965 (P.L.835,  
12 No.351), entitled "An act providing pensions for surviving  
13 spouses of police officers in cities of the second class A under  
14 certain terms and conditions, and providing for contributions by  
15 members of the police pension or retirement fund and  
16 appropriations by the city for that purpose," subsection (b) of  
17 section 1 and section 2 amended August 18, 1967 (P.L.248,  
18 No.99), subsection (e) of section 2 added July 18, 1974  
19 (No.166), is reenacted and amended to read:

20 AN ACT

21 Providing pensions for surviving spouses of police officers and

1     firemen in cities of the second class A under certain terms  
2     and conditions, and providing for contributions by members of  
3     the police and fire pension or retirement [fund] funds and  
4     appropriations by the city for that purpose.

5     Section 1. (a) In any city of the second class A any member  
6     of the police or fire pension or retirement fund who is married  
7     and who elects in writing to be governed by the provisions of  
8     this act and who retires under the provisions of the law  
9     regulating the retirement of police officers or firemen therein  
10    and ordinances adopted pursuant thereto, shall, at the time of  
11    his retirement, receive the pension so provided for during his  
12    lifetime and a pension after his death, payable to his surviving  
13    spouse at the time of retirement, equal to fifty per centum of  
14    his pension: Provided, That such person so retiring shall have  
15    been married to his spouse for not less than five years prior to  
16    the date of retirement and the spouse is dependent upon such  
17    deceased employee at the time of his death.

18    (b) The pension to be paid to such surviving spouse shall  
19    begin on the first day of the month in which the death of the  
20    deceased spouse occurs and shall continue to and terminate upon  
21    the death of such surviving spouse, unless such surviving spouse  
22    shall remarry, in which event the payment of the survivor's  
23    pension shall thereupon be terminated.

24    (c) The word "pension" as used in this section shall be  
25    construed to mean the sum of the pension plus the amount of  
26    service increment, if any, to which the married person retiring  
27    shall be entitled.

28    (d) When any surviving spouse receives payments under the  
29    provisions of this section, such surviving spouse shall not be  
30    entitled to any withdrawal of contributions made into the police

1 or fire pension or retirement fund by the deceased employe, nor  
2 shall the children, parents or estate of the deceased employe be  
3 entitled to a refund of said contributions.

4 Section 2. (a) In any city of the second class A, a  
5 surviving spouse of any active member of the police or fire  
6 pension or retirement fund who:

7 (1) At the time of his death was in active service with the  
8 city; and

9 (2) Had elected to be governed by the provisions of this act  
10 shall be entitled to survivorship benefits equal to fifty per  
11 centum of the pension which would have been payable to such  
12 active member had he retired at the date of his death: Provided,  
13 That such employe shall have been married to his spouse for not  
14 less than five years prior to the date of his death and that the  
15 spouse was dependent upon such deceased employe at the time of  
16 his death.

17 (b) Such surviving spouse shall be entitled to receive  
18 payments commencing the first day of the month next following  
19 the death of the deceased spouse and such payment shall continue  
20 to and terminate upon the death of such surviving spouse:  
21 Provided, however, That in the event that such surviving spouse  
22 shall remarry, the payment of the survivorship pension shall  
23 thereupon be terminated.

24 (c) The word "pension" as used in this section shall be  
25 construed to mean the sum of the pension plus the amount of  
26 service increments, if any, to which the deceased member of the  
27 police or fire pension or retirement fund would have been  
28 entitled had he retired upon the date of his death.

29 (d) When any surviving spouse receives payments under the  
30 provisions of this section, such surviving spouse shall not be

1 entitled to any withdrawal of contributions made into the police  
2 or fire pension or retirement fund by the deceased employes, nor  
3 shall the estate of the deceased be entitled to a refund of said  
4 contributions.

5 (e) Each surviving spouse at the time active members of the  
6 police force or fire force receive an increase in compensation,  
7 may receive an increase in their pension in an amount equal to  
8 twenty-five per centum of the increase granted to active members  
9 of the police force or fire force of the same rank as the  
10 deceased spouse when he retired from active service.

11 Section 3. Any member of the police or fire pension or  
12 retirement fund, within ninety days after the effective date of  
13 this act, and any person hereafter joining the police or fire  
14 pension or retirement fund may within ninety days of joining the  
15 fund, elect to be governed by the provisions of this act,  
16 provided such election shall be in writing and that writing  
17 shall be filed with the secretary of the police or fire pension  
18 or retirement fund.

19 Section 4. Each member who elects to be governed under the  
20 provisions of this act shall agree to contribute one percent of  
21 his earned compensation in addition to all other contributions  
22 required by law and ordinances adopted pursuant thereto.

23 Section 5. The annual appropriation made by cities of the  
24 second class A for the purpose of paying police or fire pension  
25 or retirement allowances shall be sufficient, when added to the  
26 contributions made by members during such year, sums received  
27 from tax distributions and income from investments, to pay in  
28 full the retirement allowances and the pensions authorized by  
29 this act for surviving spouses payable during such year.

30 Section 6. This act shall take effect immediately.

1       Section 2.   This act shall take effect immediately.