

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 841 Session of
1993

INTRODUCED BY PISTELLA, McNALLY, PRESTON, PESCI, JAROLIN, TIGUE,
SERAFINI, KAISER, O'BRIEN, BELFANTI, OLASZ, WOGAN, DALEY,
TRELLO, GIGLIOTTI, VEON, HALUSKA, J. TAYLOR AND JAMES,
MARCH 22, 1993

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 22, 1993

AN ACT

1 Amending the act of December 14, 1988 (P.L.1192, No.147),
2 entitled "An act requiring municipal retirement systems to
3 pay special ad hoc postretirement adjustments to certain
4 retired police officers and firefighters; providing for the
5 financing of these adjustments; providing for the
6 administration of the Commonwealth's reimbursements for these
7 adjustments; and making repeals," extending the provisions of
8 the act to include survivors of police officers and
9 firefighters; and deleting the provisions relating to
10 modification of postretirement adjustment.

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

13 Section 1. Section 102 of the act of December 14, 1988
14 (P.L.1192, No.147), known as the Special Ad Hoc Municipal Police
15 and Firefighter Postretirement Adjustment Act, is amended by
16 adding a definition to read:

17 Section 102. Definitions.

18 The following words and phrases when used in this act shall
19 have the meanings given to them in this section unless the
20 context clearly indicates otherwise:

21 * * *

1 "Survivor." A person who, on the effective date of this act,
2 is a survivor of a police officer or firefighter and who is
3 receiving survivor benefits from a public employee retirement
4 system.

5 Section 2. Sections 301, 302 and 702 of the act are amended
6 to read:

7 Section 301. Entitlement to special ad hoc adjustment.

8 A municipal retirement system shall pay a retired police
9 officer or firefighter or the survivor of a retired police
10 officer or firefighter a special ad hoc municipal police and
11 firefighter postretirement adjustment under this chapter if all
12 of the following apply:

13 (1) The retiree has terminated active employment with
14 the municipality as a police officer or firefighter.

15 (2) The retiree is receiving a retirement annuity,
16 retirement benefit, service pension or disability pension
17 benefit from a municipal retirement system on the basis of
18 active employment with a municipality as a police officer or
19 firefighter.

20 (3) The retiree began receiving the retirement annuity,
21 retirement benefit, service pension or disability pension
22 benefit before January 1, [1985] 1987.

23 Section 302. Amount of special ad hoc adjustment.

24 (a) General rule.--Except as provided in subsections (b) and
25 (c), a municipal retirement system shall pay a retired police
26 officer or firefighter a special ad hoc municipal police and
27 firefighter postretirement adjustment under section 301, as
28 follows:

29 (1) The sum of \$25 a month, if on January 1, [1989]
30 1993, the retiree has been retired [at least five years but]

1 less than ten years.

2 (2) The sum of \$50 a month, if on January 1, [1989]
3 1993, the retiree is totally disabled and has been retired
4 less than ten years.

5 (3) The sum of \$75 a month, if on January 1, [1989]
6 1993, the retiree has been retired at least ten years but
7 less than 20 years.

8 (4) The sum of \$150 a month, if on January 1, [1989]
9 1993, the retiree has been retired at least 20 years.

10 (a.1) Retirement date.--In the case of a special ad hoc
11 postretirement adjustment payable to a survivor, the benefit
12 amounts shall be based on the retirement date of the retiree.

13 (b) Limitation.--If, under section 301, a retiree is
14 entitled to be paid a special ad hoc municipal police and
15 firefighter postretirement adjustment by more than one municipal
16 retirement system, the amount of the special ad hoc adjustment
17 under subsection (a) shall be reduced so that the total of all
18 these adjustments paid to the retiree does not exceed the amount
19 specified in subsection (a).

20 (c) [Modification in amount of postretirement adjustment.--
21 If a retiree entitled to receive a special ad hoc municipal
22 police and firefighters postretirement adjustment will receive a
23 postretirement adjustment from the applicable municipal police
24 or paid firefighters pension plan after the effective date of
25 this act, the amount of the special ad hoc postretirement
26 adjustment under subsection (a) shall be reduced by the total
27 amount of any municipal postretirement adjustment.

28 (d)] Construction.--[Subsections (b) and (c)] Subsection (b)
29 shall not be construed to reduce the amount of any retirement
30 annuity, retirement benefit, service pension or disability

1 pension benefit payable to a retiree immediately prior to the
2 effective date of this act.

3 Section 702. Deposits into special account.

4 Notwithstanding any applicable provision of the act of May
5 12, 1943 (P.L.259, No.120), referred to as the Foreign Casualty
6 Insurance Premium Tax Allocation Law, or any applicable
7 provisions of the act of March 4, 1971 (P.L.6, No.2), known as
8 the Tax Reform Code of 1971, or the provisions of sections
9 402(b) and 803(c) of the act of December 18, 1984 (P.L.1005,
10 No.205), known as the Municipal Pension Plan Funding Standard
11 and Recovery Act, beginning on January 1, 1990, prior to the
12 deposit of the proceeds of the insurance premium tax on foreign
13 casualty insurance premiums into the General Municipal Pension
14 System State Aid Program revenue account, an amount sufficient
15 to provide for the Commonwealth's reimbursement payments to
16 municipalities for special ad hoc adjustments [under this act]
17 provided to retirees under section 302(a) shall be deposited in
18 the separate account created under section 701.

19 Section 3. The act is amended by adding a section to read:
20 Section 703. Supplement from General Fund.

21 (a) Reimbursement amount.--An amount sufficient to reimburse
22 municipalities for special ad hoc adjustments provided to
23 survivors under section 302(b) in the first year shall be paid
24 from the General Fund.

25 (b) Supplemental amounts.--Should the amount required to
26 reimburse municipalities for special ad hoc adjustments to
27 retirees under section 302(a) decrease after the first year, an
28 amount equal to the decrease shall be deposited in the separate
29 account created under section 701 and shall be used to reimburse
30 municipalities for special ad hoc adjustments provided to

1 survivors under section 302(b). If the amount of this deposit is
2 not sufficient to reimburse municipalities for provision of
3 adjustments to survivors under section 302(b), the difference
4 between the amount of this deposit and the amount required shall
5 be paid from the General Fund.

6 Section 4. Sections 901(a) and 902(a) of the act are amended
7 to read:

8 Section 901. Municipal retirement system certification of
9 adjustments paid.

10 (a) Certification.--Beginning January 1, 1989, the chief
11 administrative officer of a municipal retirement system that
12 pays a special ad hoc adjustment in that year shall certify the
13 total of all adjustments paid during that year to the Auditor
14 General not later than April 1 of the following year. The
15 adjustments paid to retirees under section 302(a) and to
16 survivors under section 302(b) shall be certified separately.

17 * * *

18 Section 902. Commonwealth disbursement of reimbursement
19 payment.

20 (a) Payment to account.--Not later than June 1 of the year
21 in which the form is due, the Auditor General shall certify to
22 the State Treasurer the amount to be deposited into the special
23 account created in section 701 and the amount to be paid from
24 the General Fund and shall draw a warrant, payable to the
25 treasurer of the municipality, on the State Treasurer from the
26 special account created in section 701 for the amount certified
27 under section 901(a).

28 * * *

29 Section 5. No pension, annuity or retirement benefit
30 received by any retired police officer or firefighter of a

1 second class city or his or her survivor shall be less than \$350
2 per month.

3 Section 6. This act shall be retroactive to February 12,
4 1989.

5 Section 7. This act shall take effect immediately.