

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2293 Session of
2005

INTRODUCED BY DIVEN, CALTAGIRONE, CASORIO, CREIGHTON, FICHTER,
GOODMAN, HARHART, JAMES, KOTIK, MANN, MUSTIO, NICKOL,
PISTELLA, READSHAW, THOMAS, KILLION AND W. KELLER,
DECEMBER 5, 2005

REFERRED TO COMMITTEE ON STATE GOVERNMENT, DECEMBER 5, 2005

AN ACT

1 Amending the act of May 22, 1935 (P.L.233, No.99), entitled "An
2 act creating and establishing a fund for the care,
3 maintenance, and relief of aged, retired, and disabled
4 employees of the Bureau of Police in cities of the second
5 class; providing a pension fund for said employees; and
6 providing for the payment of certain dues, fees, assessments,
7 fines, and appropriations thereto; regulating membership
8 therein; creating a board for the management thereof;
9 providing the amount, mode, and manner of payment to
10 beneficiaries thereof, and for the care and disposition of
11 said fund; providing for the payment into this fund by cities
12 of the second class of all monies heretofore payable into any
13 other funds, organizations, corporations, or associations
14 having the same or similar purposes, and of such additional
15 monies as may be necessary to carry out the provisions of
16 this act," further providing for benefits for pensioners,
17 surviving spouses, children and parents of police officers.

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

20 Section 1. Section 11 of the act of May 22, 1935 (P.L.233,
21 No.99), referred to as the Second Class City Policemen Relief
22 Law, amended November 9, 1965 (P.L.687, No.334), is amended to
23 read:

24 Section 11. When any member of the fund shall resign or be

1 dismissed from service, or shall die while in active service,
2 there shall be paid to [him or to his widow] the member or the
3 surviving spouse of the member, and if no [widow] surviving
4 spouse survive, to his or her executor or administrator, if his
5 or her service has been terminated by death, from the fund, all
6 dues paid by [him] the member into the fund without interest,
7 and all monies which the fund may have received under any
8 assignment made by the said member to the fund at the time of
9 his or her admission to membership, under the provisions of
10 subsection (3) of section 8 hereof.

11 In addition, when any member of the fund shall die as a
12 result of injuries received while in the performance of his or
13 her duties, there shall be paid to [his widow] the member's
14 surviving spouse from the fund, monthly sums in amounts which
15 together with any payments received under "The Pennsylvania
16 Workmen's Compensation Act" or "The Pennsylvania Occupational
17 Disease Act," will be equal to fifty per centum (50%) of his or
18 her salary at the time of his or her death. Such monthly
19 payments shall continue for five hundred (500) weeks, or until
20 the [widow shall remarry, or until her death] death of the
21 surviving spouse, whichever shall first occur.

22 In the event there are surviving children but no [widow]
23 surviving spouse, or after the payments herein provided for the
24 [widow] surviving spouse have been discontinued by reason of the
25 end of the five hundred (500) week period or his or her
26 [remarriage or] death, each [unmarried] child of the deceased
27 member under eighteen (18) years of age shall thereafter receive
28 payments equal to twenty-five per centum (25%) of the payments
29 above provided for the [widow] surviving spouse, but in no case
30 shall total payments to one family be more than fifty per centum

1 of his or her salary at the time of his or her death. Where
2 there is only one child, the minimum monthly payments shall be
3 sixty dollars (\$60). Where the maximum amount is payable it
4 shall be divided equally among the children entitled thereto.
5 The payments for each child shall terminate upon his reaching
6 the age of eighteen (18) years, or his marriage or death:
7 Provided, That the board may continue indefinitely payments to a
8 dependent incompetent child. The payments shall consist of any
9 payments received under "The Pennsylvania Workmen's Compensation
10 Act" or "The Pennsylvania Occupational Disease Act,"
11 supplemented by the necessary amount from the pension fund.

12 Payments to the [widows] surviving spouses and children of
13 members killed while on duty shall be made on and after July 1,
14 1959.

15 In the event there are no surviving children or no [widow]
16 surviving spouse entitled to receive the payments provided for
17 in this act, any dependent parents of the member shall receive
18 the payments the [widow] surviving spouse would have received
19 had he or she survived [and not remarried].

20 Section 2. Section 11.1 of the act, amended or added
21 November 9, 1965 (P.L.687, No.334) and July 8, 1970 (P.L.455,
22 No.156), is amended to read:

23 Section 11.1. Married Persons; Pension to Surviving Spouse
24 and Dependent Children.--

25 (a) Any married person who elects in writing to be governed
26 by the provisions of this amendment and who retires under the
27 provisions of this act shall, at the time of his or her
28 retirement, receive the pension provided by this act during his
29 or her lifetime and a pension after his or her death, payable to
30 his or her surviving spouse at the time of [his] the member's

1 death, equal to fifty per centum of his or her pension:

2 Provided, That such person so retiring shall have been married
3 to his or her spouse for not less than two years prior to the
4 date of death and the spouse was dependent upon such deceased
5 employee at the time of [his] death.

6 (a.1) Any retired member of the Police Pension Fund who
7 retired prior to August 27, 1963, may, within ninety days after
8 the effective date of this amendment, elect to be governed by
9 the provisions of this subsection, provided such election shall
10 be in writing and that such writing shall be filed with the
11 Secretary of the Police Pension Fund. Each retired member who
12 elects to be governed under the provisions of this subsection
13 shall agree to contribute one-half of one percent of his monthly
14 pension to the Police Pension Fund. Upon the death of any
15 retired member who elected in the manner above prescribed to be
16 governed by this subsection, [his widow] the surviving spouse
17 and surviving children shall receive the benefits otherwise
18 provided by this act for [widows] surviving spouses and children
19 of deceased members who elected to be governed by the amending
20 act of August 27, 1963 (P.L.1297) and any further amendments
21 thereto.

22 (b) Such surviving spouse shall be entitled to receive
23 payments commencing the first day of the month in which the
24 death of the deceased spouse occurs, and shall continue to and
25 terminate upon the death of such surviving spouse, [unless such
26 surviving spouse shall remarry,] in which event the board may
27 allocate the pension to dependent children or parents as
28 provided in this act: Provided, That in no case shall total
29 payments to a member or his or her survivors or his or her
30 estate be less than the deceased member's contribution into the

1 fund.

2 (c) In the event there is no surviving spouse, or the
3 surviving spouse dies [or remarries] while receiving payments
4 under this section, and where there are dependent children of
5 the deceased member of the fund, the board [may] shall pay to
6 each such dependent child twenty-five per centum of the pension
7 earned by the deceased member until the age of eighteen [or
8 marriage] or death: Provided, That the board may indefinitely
9 continue payments to a dependent incompetent child.

10 Where the sums payable to dependent children under this
11 section are equal to the maximum pension to which the [widow]
12 surviving spouse would be entitled, it shall be divided equally
13 among the children entitled thereto.

14 In the event there are no surviving children [or no widow]
15 and no surviving spouse entitled to receive the payments
16 provided for in this act, any dependent parents of the deceased
17 member shall receive the monthly payments the [widow] surviving
18 spouse would have received had he or she survived [and not
19 remarried].

20 (d) The word "pension" as used in this section shall be
21 construed to mean the sum of the pension provided by this act
22 plus the amount of service increment, if any, to which the
23 married person retiring shall be entitled.

24 Section 3. Section 11.2 of the act, amended November 9, 1965
25 (P.L.687, No.334) and December 12, 1968 (P.L.1205, No.378), is
26 amended to read:

27 Section 11.2. (a) A surviving spouse of any active member
28 of the Police Pension Fund who:

29 (1) at the time of his or her death was in active service
30 with the city; and

1 (2) had elected to be governed by the provisions of this
2 amendment; and

3 (3) if he or she died prior to the effective date of this
4 amending act and had completed at least twenty years' service;
5 or if he or she dies after the effective date of this amending
6 act, regardless of the length of his service, shall be entitled
7 to survivorship benefits equal to fifty per centum of the
8 pension which would have been payable to such active member had
9 he retired at the date of his or her death: Provided, That such
10 employee shall have been married to his or her spouse for not
11 less than two years prior to the date of his or her death and
12 that the spouse was dependent upon such deceased employee at the
13 time of [his] death.

14 (b) Such surviving spouse shall be entitled to receive
15 payments as provided in subsections (b) and (c) of section 11.1
16 of this act.

17 (c) The word "pension" as used in this section shall be
18 construed to mean the sum of the pension under the terms of this
19 act, including the amount of service increments, if any, to
20 which the deceased member of the Police Pension Fund would have
21 been entitled had he retired upon the date of his death.

22 Section 4. Section 14.6 of the act, added March 3, 1972
23 (P.L.96, No.34), is amended to read:

24 Section 14.6. In addition to the other benefits provided by
25 this act the city council is authorized by ordinance to adopt a
26 plan of paying to [widows] surviving spouses of deceased
27 policemen, not otherwise covered under this act, a monthly award
28 of such amount as the council may from time to time determine
29 and may further appropriate from the city's general fund
30 sufficient amounts to make such further awards.

1 Section 5. Section 15 of the act is amended to read:

2 Section 15. If any beneficiary of the fund shall be awarded
3 a pension, and shall thereafter be convicted of felony or shall
4 become an habitual drunkard or shall cease to care for and
5 support his [wife] or her spouse and family; then, and in any
6 such case, the board shall have power by a two-thirds vote to
7 revoke the pension or to suspend the payment thereof, or to
8 direct payment of the pension to the family of such beneficiary,
9 and in such case, the family shall be considered the beneficiary
10 within the meaning of section 18 hereof.

11 Section 6. Section 16 of the act, amended November 21, 1959
12 (P.L.1591, No.571), is amended to read:

13 Section 16. Any beneficiary of the fund who may obtain
14 employment in service of the city itself shall suffer suspension
15 of his pension from the fund during the time of such employment.
16 If any beneficiary shall die before receiving in pension, a sum
17 equal to [his] the beneficiary's total contributions to the
18 fund, such difference shall be paid to [his widow or if no widow
19 survive] the beneficiary's surviving spouse, or, if no surviving
20 spouse survives, to [his] the beneficiary's executor or
21 administrator.

22 Section 7. This act shall take effect in 60 days.