

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 103 Session of 2009

INTRODUCED BY D. O'BRIEN, ADOLPH, BARRAR, BRENNAN, COHEN,  
CONKLIN, GOODMAN, HUTCHINSON, KOTIK, MURT, M. O'BRIEN, RAPP,  
REICHLEY, SABATINA, SIPTROTH, SOLOBAY, VULAKOVICH AND WATSON,  
JANUARY 28, 2009

REFERRED TO COMMITTEE ON FINANCE, JANUARY 28, 2009

AN ACT

1 Prohibiting any municipal pension or retirement system in a city  
2 of the first or second class from denying certain benefits to  
3 surviving spouses of firefighters or certain employees upon a  
4 subsequent remarriage of the surviving spouse; and making  
5 related repeals.

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

8 Section 1. Prohibited conduct.

9 No municipal pension or retirement system in a city of the  
10 first or second class shall deny any benefit, including pension  
11 payments, service-connected death benefits or service-connected  
12 health care benefits, to any surviving spouse of any firefighter  
13 or fire department employee, including fire department  
14 pensioners and employees of the fire department, as a result of  
15 the remarriage or subsequent marriage of the surviving spouse.

16 Section 2. Repeals.

17 (a) Specific.--

18 (1) The act of May 20, 1915 (P.L.566, No.242), entitled

1 "An act requiring cities of the first class to establish a  
2 pension fund for employes of said cities, and all county or  
3 other public employes, if any, paid by appropriation of the  
4 city councils thereof, and out of the treasury of said  
5 cities; and regulating the administration and the payment of  
6 such pensions," is repealed to the extent that it would act  
7 to deny any benefit, including pension payments, service-  
8 connected death benefits or service-connected health care  
9 benefits to any surviving spouse of any firefighter or fire  
10 department employee, including fire department pensioners and  
11 employees of the fire department, as a result of the  
12 remarriage or subsequent marriage of the surviving spouse.

13 (2) Section 9.2(d) of the act of May 25, 1933 (P.L.1050,  
14 No.242), referred to as the Second Class City Firemen Relief  
15 Law.

16 (b) Inconsistent.--

17 (1) The act of April 21, 1949 (P.L.665, No.155), known  
18 as the First Class City Home Rule Act, is repealed insofar as  
19 it is inconsistent with this act.

20 (2) All acts and parts of acts are repealed insofar as  
21 they are inconsistent with this act.

22 Section 3. Effective date.

23 This act shall take effect in 60 days.