

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1039 Session of  
2009

INTRODUCED BY MOUL, D. COSTA, CREIGHTON, DALLY, FARRY, GROVE,  
HESS, MELIO, PALLONE, PYLE, ROAE, SIPTROTH, SOLOBAY AND  
YOUNGBLOOD, MARCH 23, 2009

REFERRED TO COMMITTEE ON FINANCE, MARCH 23, 2009

AN ACT

1 Amending the act of February 1, 1974 (P.L.34, No.15), entitled  
2 "An act creating a Pennsylvania Municipal Retirement System  
3 for the payment of retirement allowances to officers,  
4 employes, firemen and police of political subdivisions and  
5 municipal authorities and of institutions supported and  
6 maintained by political subdivisions and municipal government  
7 associations and providing for the administration of the same  
8 by a board composed of the State Treasurer and others  
9 appointed by the Governor; imposing certain duties on the  
10 Pennsylvania Municipal Retirement Board and the actuary  
11 thereof; providing the procedure whereby political  
12 subdivisions and municipal authorities may join such system,  
13 and imposing certain liabilities and obligations on such  
14 political subdivisions and municipal authorities in  
15 connection therewith, and as to certain existing retirement  
16 and pension systems, and upon officers, employes, firemen and  
17 police of such political subdivisions, institutions supported  
18 and maintained by political subdivisions, and upon municipal  
19 authorities; providing for the continuation of certain  
20 municipal retirement systems now administered by the  
21 Commonwealth; providing certain exemptions from taxation,  
22 execution, attachment, levy and sale and providing for the  
23 repeal of certain related acts," further providing for  
24 disability retirement of police officers.

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

27 Section 1. Sections 313(a) and 411(a) of the act of February  
28 1, 1974 (P.L.34, No.15), known as the Pennsylvania Municipal

1 Retirement Law, amended May 17, 1980 (P.L.135, No.50), are  
2 amended to read:

3 Section 313. Disability Retirement.--(a) After a  
4 contributor has had ten or more years of total service, he may,  
5 upon application or on application of one acting in his behalf,  
6 or upon application of a head of the department of the  
7 municipality by which he is employed, be retired by the board on  
8 a disability allowance if he is under superannuation retirement  
9 age, and on a superannuation retirement allowance if he has  
10 attained or passed such age, if the physician designated by the  
11 board, after medical examination of the contributor made at the  
12 place of residence of the contributor or at a place mutually  
13 agreed upon, shall certify to the board that the contributor,  
14 for medical reasons, is unable to [engage in any gainful  
15 employment] return to or perform the duties of his office and  
16 that said contributor ought to be retired. When the disability  
17 of a contributor is determined to be service-connected, as  
18 defined in this act, no minimum period of service shall be  
19 required for eligibility. Application filing requirements shall  
20 be identical to those outlined in clause (1) of section 309.

21 \* \* \*

22 Section 411. Disability Retirement.--(a) After a member of  
23 a municipal plan has had the required number of years of total  
24 service as stated in the contract, he may, upon application or  
25 on the application of one acting in his behalf, or upon  
26 application of a head of the department of the municipality by  
27 which he is employed, be retired by the board on a disability  
28 allowance if he is under superannuation retirement age, and on a  
29 superannuation retirement allowance if he has attained or passed  
30 such age, if the physician designated by the board, after

1 medical examination of the member made at the place of residence  
2 of the member or at a place mutually agreed upon, shall certify  
3 to the board that the member is unable to engage in any gainful  
4 employment and that said member ought to be retired. In the case  
5 of a member of a firefighter or police pension plan who has had  
6 the required number of years of total service as stated in the  
7 contract, the member need only be certified by the physician to  
8 be unable to return to or perform the duties of his office.

9 Where the disability of a member is determined to be service-  
10 connected, as defined in this act, no minimum period of service  
11 shall be required for eligibility. Requirements for filing  
12 applications shall be identical to those outlined in clause (1)  
13 of section 407.

14 \* \* \*

15 Section 2. This act shall take effect in 60 days.