

**PROVIDING PENSIONS FOR SURVIVING SPOUSES OF POLICE OFFICERS IN CITIES OF
THE SECOND CLASS A**

Act of Nov. 10, 1965, P.L. 835, No. 351

Cl. 11

AN ACT

Providing pensions for surviving spouses of police officers in cities of the second class A under certain terms and conditions, and providing for contributions by members of the police pension or retirement fund and appropriations by the city for that purpose.

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

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

(b) The pension to be paid to such surviving spouse shall begin on the first day of the month in which the death of the deceased spouse occurs and shall continue to and terminate upon the death of such surviving spouse, unless such surviving spouse shall remarry, in which event the payment of the survivor's pension shall thereupon be terminated. ((b) amended Aug. 18, 1967, P.L.248, No.99)

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

(d) When any surviving spouse receives payments under the provisions of this section, such surviving spouse shall not be entitled to any withdrawal of contributions made into the police pension or retirement fund by the deceased employe, nor shall the children, parents or estate of the deceased employe be entitled to a refund of said contributions.

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

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

(2) Had elected to be governed by the provisions of this act shall be entitled to survivorship benefits equal to fifty per centum of the pension which would have been payable to such active member had he retired at the date of his death: Provided,

That such employe shall have been married to his spouse for not less than five years prior to the date of his death and that the spouse was dependent upon such deceased employe at the time of his death.

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

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

(d) When any surviving spouse receives payments under the provisions of this section, such surviving spouse shall not be entitled to any withdrawal of contributions made into the police pension or retirement fund by the deceased employes, nor shall the estate of the deceased be entitled to a refund of said contributions.

(e) Each surviving spouse at the time active members of the police force receive an increase in compensation, may receive an increase in their pension in an amount equal to twenty-five per centum of the increase granted to active members of the police force of the same rank as the deceased spouse when he retired from active service. ((e) added July 18, 1974, P.L.468, No.166)

(2 amended Aug. 18, 1967, P.L.248, No.99)

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

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

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

Section 6. This act shall take effect immediately.