

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL****No. 895**      Session of  
1989

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INTRODUCED BY MAYERNIK, BURD, KOSINSKI, TIGUE, MRKONIC, TRELLO,  
FOX, GODSHALL, BILLOW, JOHNSON, MORRIS, CESSAR, STABACK,  
McCALL, JAROLIN, LEVDANSKY, RAYMOND, LAUGHLIN, SCHULER,  
REBER, CAWLEY, PISTELLA, E. Z. TAYLOR, CORNELL, MARSICO,  
LASHINGER, MICOZZIE, McVERRY, GIGLIOTTI AND BELFANTI,  
APRIL 3, 1989

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AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MAY 30, 1990

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## AN ACT

1 Amending the act of May 29, 1956 (1955 P.L.1804, No.600),  
2 entitled "An act providing for the establishment of police  
3 pension funds or pension annuities in certain boroughs, towns  
4 and townships, and the regulation and maintenance thereof;  
5 providing for an actuary; continuance of existing funds or  
6 transfer thereof to funds herein established; prescribing  
7 rights of beneficiaries; contributions by members; providing  
8 for expenses of administration; continuation of existing  
9 authority to provide annuity contracts; credit for military  
10 service; refunds; exempting allowances from judicial process;  
11 and repealing certain acts," further providing for credit for  
12 military service.

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

15 Section 1. Section 4 of the act of May 29, 1956 (1955  
16 P.L.1804, No.600), referred to as the Municipal Police Pension  
17 Law, is amended to read:

18 Section 4. (a) Any member of the police force employed by a  
19 borough, town or township, who has been a regularly appointed  
20 employe of any such political subdivision for a period of at

1 least six months and who thereafter shall enter into the  
2 military service of the United States, shall have credited to  
3 his employment record for pension or retirement benefits all of  
4 the time spent by him in such military service, if such person  
5 returns or has heretofore returned to his employment within six  
6 months after his separation from the service.

7 ~~(b) Any member of the police force who was not employed by~~ <—  
8 ~~the political subdivision prior to such military service shall~~  
9 ~~be entitled to have full service credit for each year or~~  
10 ~~fraction thereof, not to exceed five years with the exception of~~  
11 ~~members eligible to receive or receiving military retirement pay~~  
12 ~~earned by a combination of active duty and nonactive duty with a~~  
13 ~~reserve or national guard component of the armed forces which~~  
14 ~~retirement pay is payable only upon the attainment of a~~  
15 ~~specified age and period of service under 10 U.S.C. Ch. 67~~  
16 ~~(relating to retired pay for non-regular service).~~ THE ORDINANCE <—  
17 OR RESOLUTION ESTABLISHING THE POLICE PENSION FUND MAY PROVIDE  
18 FULL SERVICE CREDIT FOR EACH YEAR OF MILITARY SERVICE OR  
19 FRACTION THEREOF, NOT TO EXCEED FIVE YEARS, TO ANY MEMBER OF THE  
20 POLICE FORCE WHO WAS NOT EMPLOYED BY THE POLITICAL SUBDIVISION  
21 PRIOR TO SUCH MILITARY SERVICE. The amount due for the purchase  
22 of credit for military service other than intervening military  
23 service shall be computed by applying the average normal cost  
24 rate for borough and township police pension plans as certified  
25 by the Public Employee Retirement Study Commission, but not to  
26 exceed ten per centum, to the member's average annual rate of  
27 compensation over the first three years of municipal service and  
28 multiplying the result by the number of years and fractional  
29 part of a year of creditable nonintervening military service  
30 being purchased together with interest at the rate of four and

1 three-quarters per centum compounded annually from the date of  
2 initial entry into municipal service to the date of payment.

3 (c) Any member of the police force shall be eligible to  
4 receive service credit for intervening or nonintervening  
5 military service as provided in subsections (a) and (b) provided  
6 that he is not entitled to receive, eligible to receive now or  
7 in the future, or is receiving retirement benefits for such  
8 service under a retirement system administered and wholly or  
9 partially paid for by any other governmental agency with the  
10 exception of a member eligible to receive or receiving military  
11 retirement pay earned by a combination of active duty and  
12 nonactive duty with a reserve or national guard component of the  
13 armed forces which retirement pay is payable only upon the  
14 attainment of a specified age and period of service under 10  
15 U.S.C. Ch. 67 (relating to retired pay for non-regular service).

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