

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 345 Session of
1991

INTRODUCED BY MELLOW, SALVATORE, LAVALLE, MUSTO, PORTERFIELD,
BELAN, ANDREZESKI AND LYNCH, JANUARY 29, 1991

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 23, 1992

AN ACT

1 ~~Amending the act of April 13, 1972 (P.L.184, No.62), entitled~~ <—
2 ~~"An act giving municipalities the right and power to adopt~~
3 ~~home rule charters or one of several optional plans of~~
4 ~~government and to exercise the powers and authority of local~~
5 ~~self government subject to certain restrictions and~~
6 ~~limitations; providing procedures for such adoption and~~
7 ~~defining the effect thereof," authorizing certain~~
8 ~~municipalities to extend pension credit for prior military~~
9 ~~service for its employees.~~

1 AMENDING THE ACT OF JULY 3, 1947 (P.L.1242, NO.507), ENTITLED <—
2 "AN ACT RELATING TO POLICE AND FIREMEN'S PENSION FUNDS IN
3 CITIES OF THE SECOND CLASS A, AND DIRECTING SUCH CITIES TO
4 APPROPRIATE CERTAIN MONEYS THERETO, AND REQUIRING REPORTS AND
5 AUDITS," AND THE ACT OF SEPTEMBER 23, 1959 (P.L.970, NO.400),
6 ENTITLED "AN ACT PROVIDING FOR THE CREATION, MAINTENANCE AND
7 OPERATION OF AN EMPLOYES' RETIREMENT SYSTEM IN CITIES OF THE
8 SECOND CLASS A, AND IMPOSING CERTAIN CHARGES ON CITIES OF THE
9 SECOND CLASS A AND SCHOOL DISTRICTS IN CITIES OF THE SECOND
10 CLASS A," FURTHER PROVIDING FOR CREDIT FOR MILITARY SERVICE.

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

13 ~~Section 1. Section 302 of the act of April 13, 1972~~ <—
14 ~~(P.L.184, No.62), known as the Home Rule Charter and Optional~~
15 ~~Plans Law, is amended by adding a subsection to read:~~

16 ~~Section 302. * * *~~

~~(b.2) Notwithstanding any provision of this or another act to the contrary, any municipality that is or was a city of the second class A may permit all municipal employees, including police and firefighters, to purchase prior military service time as a credit for pension purposes, as determined by ordinance.~~

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SECTION 1. SECTION 1 OF THE ACT OF JULY 3, 1947 (P.L.1242, NO.507), ENTITLED "AN ACT RELATING TO POLICE AND FIREMEN'S PENSION FUNDS IN CITIES OF THE SECOND CLASS A, AND DIRECTING SUCH CITIES TO APPROPRIATE CERTAIN MONEYS THERETO, AND REQUIRING REPORTS AND AUDITS," AMENDED JULY 15, 1968 (P.L.341, NO.166), IS AMENDED TO READ:

SECTION 1. THERE SHALL BE PAID OVER, AS HEREINAFTER PROVIDED, TO THE ORGANIZATION OR ASSOCIATION CONSTITUTING AND HAVING IN CHARGE THE DISTRIBUTION OF POLICE AND FIREMEN'S PENSION FUNDS IN EVERY CITY OF THE SECOND CLASS A, THREE PER CENTUM (3%) OF ALL CITY TAXES COLLECTED BY THE CITY, OTHER THAN TAXES LEVIED TO PAY INTEREST ON OR TO EXTINGUISH THE DEBT OF THE CITY, OR ANY PART THEREOF, TO BE DIVIDED EQUALLY BETWEEN THE POLICE AND FIREMEN'S ASSOCIATION OR ORGANIZATION. IN ADDITION TO THE THREE PER CENTUM (3%) OF CITY TAXES REQUIRED TO BE PAID PURSUANT TO THIS SECTION, MONEYS SHALL BE APPROPRIATED BY CITIES OF THE SECOND CLASS A TO ORGANIZATIONS AND ASSOCIATIONS DISTRIBUTING POLICE AND FIREMEN'S PENSION FUNDS, WHENEVER NECESSARY TO ENABLE THE ORGANIZATIONS OR ASSOCIATIONS TO PAY THE AMOUNTS OF MINIMUM PENSIONS PRESCRIBED BY ACT OF ASSEMBLY, PURSUANT TO SECTION 11 OF ARTICLE III. OF THE CONSTITUTION OF PENNSYLVANIA. IN ADDITION TO THE ABOVE PAYMENTS AND APPROPRIATIONS, MONEYS MAY BE APPROPRIATED BY CITIES OF THE SECOND CLASS A TO ORGANIZATIONS AND ASSOCIATIONS DISTRIBUTING

1 POLICE AND FIREMEN'S PENSION FUNDS, WHENEVER NECESSARY, TO
2 ENTITLE ANY POLICEMAN OR FIREMAN WHO IS A MEMBER OF THE PENSION
3 FUND AND WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES
4 SUBSEQUENT TO SEPTEMBER 1, 1940, AND WHO WAS NOT A MEMBER OF THE
5 POLICE OR FIREMEN'S PENSION FUNDS PRIOR TO SUCH MILITARY
6 SERVICE, AND WHO COMMENCED EMPLOYMENT AS A POLICEMAN OR FIREMAN
7 IN A CITY OF THE SECOND CLASS A WITHIN [THREE (3) YEARS] SUCH
8 PERIOD FROM DATE OF RELEASE FROM ACTIVE DUTY, AS THE GOVERNING
9 BODY OF THE CITY SHALL DETERMINE BY ORDINANCE OR RESOLUTION, TO
10 HAVE FULL CREDIT FOR EACH YEAR OR FRACTION THEREOF, NOT TO
11 EXCEED FIVE (5) YEARS OF SUCH SERVICE UPON HIS PAYMENT TO THE
12 POLICE OR FIREMEN'S PENSION FUND AN AMOUNT EQUAL TO THAT WHICH
13 HE WOULD HAVE PAID HAD HE BEEN A MEMBER DURING THE PERIOD FOR
14 WHICH HE DESIRES CREDIT COMPUTED WITH REFERENCE TO THE
15 COMPENSATION HE RECEIVED UPON ENTRY INTO CITY SERVICE AS A
16 POLICEMAN OR FIREMAN AND HIS CURRENT PERCENTAGE OF SALARY
17 DEDUCTIONS, AND AN ADDITIONAL AMOUNT AS THE EQUIVALENT OF THE
18 CONTRIBUTIONS OF THE CITY ON ACCOUNT OF SUCH MILITARY SERVICE,
19 WHICH AMOUNT MAY BE PAID IN A LUMP SUM OR BY INSTALLMENTS AS MAY
20 BE APPROVED BY THE ORGANIZATIONS OR ASSOCIATIONS DISTRIBUTING
21 PENSION FUNDS TO POLICE AND FIREMEN.

22 SECTION 2. SECTION 12 OF THE ACT OF SEPTEMBER 23, 1959
23 (P.L.970, NO.400), REFERRED TO AS THE SECOND CLASS A CITY
24 EMPLOYE PENSION LAW, AMENDED JULY 15, 1968 (P.L.342, NO.167), IS
25 AMENDED TO READ:

26 SECTION 12. CREDIT FOR MILITARY SERVICE; PAYMENT INTO FUND;
27 REIMBURSEMENT.--ANY CITY EMPLOYE WHO, ON OR AFTER SEPTEMBER 16,
28 1940, HAS BEEN EMPLOYED BY THE CITY FOR A PERIOD OF SIX MONTHS
29 AND WHO, ON OR SUBSEQUENT TO SUCH DATE, SHALL HAVE ENLISTED OR
30 BEEN INDUCTED INTO THE MILITARY SERVICE OF THE UNITED STATES IN

1 TIME OF WAR, ARMED CONFLICT OR NATIONAL EMERGENCY SO PROCLAIMED
2 BY THE PRESIDENT OR THE CONGRESS OF THE UNITED STATES, SHALL
3 HAVE CREDITED TO HIS EMPLOYMENT RECORD, FOR RETIREMENT BENEFITS,
4 ALL OF THE TIME SPENT BY HIM IN SUCH MILITARY SERVICE DURING THE
5 CONTINUANCE OF SUCH WAR, ARMED CONFLICT, OR NATIONAL EMERGENCY,
6 AND SUCH PAYMENTS AS WERE HERETOFORE OR SHALL HEREAFTER BE
7 REQUIRED TO BE MADE DURING SUCH PERIOD BY SUCH CITY EMPLOYEE INTO
8 THE CITY EMPLOYEES' RETIREMENT FUND SHALL BE PAID INTO SUCH FUND
9 BY THE CITY. ANY EMPLOYEES WHO HAVE MADE PAYMENTS INTO THE CITY
10 EMPLOYEES' RETIREMENT FUND, FOR WHICH PAYMENTS THE CITY IS LIABLE
11 UNDER THE PROVISIONS OF THIS ACT, SHALL BE REIMBURSED BY THE
12 CITY TO THE FULL EXTENT OF SUCH PAYMENTS OR BE GIVEN CREDIT
13 TOWARDS FUTURE PAYMENTS UNDER THIS ACT.

14 ANY MEMBER OF THE PENSION FUND WHO IS A CONTRIBUTOR AND WHO
15 SERVED IN THE ARMED FORCES OF THE UNITED STATES SUBSEQUENT TO
16 SEPTEMBER 1, 1940, AND WHO WAS NOT A MEMBER OF THE PENSION FUND
17 PRIOR TO SUCH MILITARY SERVICE, AND WHO COMMENCED EMPLOYMENT IN
18 CITY SERVICE WITHIN [THREE YEARS] SUCH PERIOD FROM DATE OF
19 RELEASE FROM ACTIVE DUTY, MAY, AS THE GOVERNING BODY OF THE CITY
20 OR SCHOOL DISTRICT SHALL DETERMINE BY ORDINANCE OR RESOLUTION,
21 BE ENTITLED TO HAVE FULL CREDIT FOR EACH YEAR OR FRACTION
22 THEREOF, NOT TO EXCEED FIVE YEARS OF SUCH SERVICE UPON HIS
23 PAYMENT TO THE PENSION FUND AN AMOUNT EQUAL TO THAT WHICH HE
24 WOULD HAVE PAID HAD HE BEEN A MEMBER DURING THE PERIOD FOR WHICH
25 HE DESIRES CREDIT, COMPUTED WITH REFERENCE TO THE COMPENSATION
26 HE RECEIVED UPON ENTRY INTO CITY SERVICE AND HIS CURRENT
27 PERCENTAGE OF SALARY DEDUCTIONS, AND AN ADDITIONAL AMOUNT AS THE
28 EQUIVALENT OF THE CONTRIBUTIONS OF THE CITY AND SCHOOL DISTRICT
29 ON ACCOUNT OF SUCH MILITARY SERVICE, WHICH AMOUNT MAY BE PAID IN
30 A LUMP SUM OR BY INSTALLMENTS AS MAY BE APPROVED BY THE BOARD.

1 Section ~~2~~ 3. This act shall take effect in 60 days.

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