

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 853 Session of
1993

INTRODUCED BY STURLA, JADLOWIEC, VAN HORNE, VEON, DALEY, TIGUE,
TRELLO, WOZNIAK, ROONEY, SCHULER, HENNESSEY, THOMAS, DEMPSEY,
WAUGH, PESCI, MIHALICH, DENT, STETLER AND PETRONE,
MARCH 22, 1993

REFERRED TO COMMITTEE ON URBAN AFFAIRS, MARCH 22, 1993

AN ACT

1 Amending the act of June 23, 1931 (P.L.932, No.317), entitled
2 "An act relating to cities of the third class; and amending,
3 revising, and consolidating the law relating thereto,"
4 further providing for the sale of real and personal property;
5 providing for appointments to the board of health; permitting
6 interests in firefighters' pension funds to vest after 12
7 years under certain conditions; providing for the amount of
8 the retirement allowance benefit vested; adding a definition;
9 and making an editorial change.

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

12 Section 1. The act of June 23, 1931 (P.L.932, No.317), known
13 as The Third Class City Code, reenacted and amended June 28,
14 1951 (P.L.662, No.164), is amended by adding a section to read:

15 Section 1919. Sales of Real and Personal Property to Certain
16 Entities.--Any provision of this act requiring advertising for
17 bids and sale to the highest bidder shall not apply where city
18 real or personal property is to be sold to a county, city,
19 borough, town, township, institution district, school district,
20 volunteer fire company, volunteer ambulance service or volunteer

1 rescue squad located within the city, or municipal authority
2 pursuant to the act of May 2, 1945 (P.L.382, No.164), known as
3 the "Municipality Authorities Act of 1945," or a corporation not
4 for profit engaged in community industrial development. Any
5 provision of this act requiring advertising for bids and sale to
6 the highest bidder shall not apply where real property is to be
7 sold to a corporation not for profit organized as a public
8 library for its exclusive use as a library, to a medical service
9 corporation not for profit, to a housing corporation not for
10 profit, to the Commonwealth or to the Federal Government. When
11 real property is to be sold to a corporation not for profit
12 organized as a public library for its exclusive use as a library
13 or to a medical service corporation not for profit or to a
14 housing corporation not for profit, council may elect to accept
15 a nominal consideration for the sale as it shall deem
16 appropriate. Real property sold pursuant to this section shall
17 be subject to the condition that when the property is not used
18 for the purposes of the conveyance, the property shall revert to
19 the city.

20 Section 2. Section 2302 of the act, amended June 6, 1963
21 (P.L.75, No.50), is amended to read:

22 Section 2302. Qualifications; Term; Removal.--The members of
23 the board of health shall be residents of the city[, except in
24 the case of physicians who shall have their main office in the
25 city]. At least one, and whenever possible two, shall be
26 [reputable physicians of not less than two years' experience in
27 the practice of their profession.] currently licensed or
28 certified by the State Board of Medicine, the State Board of
29 Examiners of Nursing Home Administrators, the State Board of
30 Podiatry, the State Board of Veterinary Medicine, the State

1 Board of Occupational Therapy Education and Licensure, the State
2 Board of Osteopathic Medicine, the State Board of Pharmacy, the
3 State Board of Physical Therapy or the State Board of Nursing to
4 be engaged in a medical, medically related or health care
5 profession or business and shall be a resident or have an office
6 in the city. If a licensed or certified medical or health care
7 professional cannot be identified to serve on the board, council
8 may appoint any individual who has experience or is
9 knowledgeable of public health issues. Upon the creation of the
10 board, council shall designate for one appointee a term of one
11 year, for another a term of two years, and so on up to five;
12 thereafter, one member of the board shall be appointed annually
13 to serve for a term of five years from the first Monday of April
14 succeeding his appointment. Council may remove members of the
15 board for official misconduct or neglect of duty. All vacancies
16 shall be filled for the unexpired term.

17 Section 3. The act is amended by adding a section to read:

18 Section 4320.1. Limited Vested Benefit for Firefighters.--

19 (a) The ordinance may provide for a limited vested benefit if
20 such would conform to section 305 of the act of December 18,
21 1984 (P.L.1005, No.205), known as the "Municipal Pension Plan
22 Funding Standard and Recovery Act." Under the provisions of the
23 benefit, should a member of the firefighters' pension fund
24 before completing the minimum age and minimum period of
25 continuous service requirements but after having completed
26 twelve years of full-time service for any reason cease to be
27 employed as a full-time firefighter, the member shall be
28 entitled to vest his or her retirement benefits subject to the
29 following conditions:

30 (1) the member must file with the management board of the

1 firefighters' pension fund a written notice of his or her
2 intention to vest;

3 (2) the member must include in the notice the date the
4 member intends to terminate his or her service as a full-time
5 firefighter;

6 (3) the termination date shall be at least thirty days later
7 than the date of notice to vest;

8 (4) the member must be in good standing with the fire
9 department on the date of notice to vest; and

10 (5) the board shall indicate on the notice to vest the rate
11 of the monthly pay of the member as of the date of the notice to
12 vest or the highest average annual salary which the member
13 received during any five years of service preceding the date,
14 whichever is the higher.

15 (b) Upon reaching the date which would have been the
16 member's retirement date had the member continued his or her
17 full-time employment with the fire department, the member shall
18 notify the board, in writing, that the member desires to collect
19 his or her pension. The amount of retirement benefits the member
20 is entitled to receive under this section shall be computed as
21 follows:

22 (1) the initial determination of the member's base
23 retirement benefits shall be computed on the salary indicated on
24 the notice to vest; and

25 (2) the portion of the base retirement benefits due the
26 member shall be determined by applying to the base amount the
27 percentage that his or her years of service actually rendered
28 bears to the years of service which would have been rendered had
29 the member continued to be employed by the department until his
30 or her minimum retirement date.

1 Section 4. Section 4322(a) of the act, amended October 4,
2 1978 (P.L.950, No.188), is amended to read:

3 Section 4322. Pensions and Service Increments.--(a)

4 Payments of pensions shall not be a charge on any fund in the
5 treasury of the city or under its control save the firemen's
6 pension fund herein provided for. The basis of the pension of a
7 member shall be determined by the monthly salary of the member
8 at the date of vesting under section 4320.1 or retirement, or
9 the highest average annual salary which he received during any
10 five years of service preceding retirement, whichever is the
11 higher, whether for disability, or by reason of age or service,
12 and except as to service increments provided for in subsection
13 (b) of this section, shall be one-half the annual salary of such
14 member at the time of vesting under section 4320.1 or retirement
15 computed at such monthly or average annual rate, whichever is
16 the higher. In the case of the payment of pensions to members
17 for permanent injury incurred in service, and to families of
18 members killed or who die in service, the amount and
19 commencement of the payment of pensions shall be fixed by
20 regulations of the board. Such regulations shall not take into
21 consideration the amount and duration of workmen's compensation
22 allowed by law. Payments to surviving spouses of members retired
23 on pension or killed in the service on or after January 1, 1960,
24 or who die in the service on or after January 1, 1968, shall be
25 the amount payable to the member or which would have been
26 payable had he been retired at the time of his death.

27 * * *

28 Section 5. The act is amended by adding a section to read:

29 Section 4328. Definitions.--As used in this subdivision, the
30 term "salary" is defined as the fixed amount of compensation

1 paid at regular, periodic intervals by the city to the member
2 and from which pension contributions have been deducted.
3 Section 6. This act shall take effect in 60 days.