

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 1093 Session of  
2007

INTRODUCED BY ORIE, PIPPY, LAVALLE, PUNT, WASHINGTON, FONTANA,  
COSTA, ERICKSON, LOGAN, MELLOW, WAUGH, WONDERLING, RAFFERTY,  
BOSCOLA, GREENLEAF, O'PAKE, TOMLINSON, FUMO, STACK, KITCHEN,  
MADIGAN AND TARTAGLIONE, SEPTEMBER 17, 2007

SENATOR BROWNE, FINANCE, AS AMENDED, FEBRUARY 11, 2008

## AN ACT

1 ~~Amending the act of April 17, 2002 (P.L.239, No.30), entitled~~ <—  
2 ~~"An act amending the act of May 29, 1956 (1955 P.L.1804,~~  
3 ~~No.600), entitled, as amended, "An "AN act providing for the~~ <—  
4 ~~establishment of police pension funds or pension annuities in~~  
5 ~~certain boroughs, towns and townships; authorizing the~~  
6 ~~establishment of police pension funds or pension annuities by~~  
7 ~~regional police departments; providing for the regulation and~~  
8 ~~maintenance of police pension funds or pension annuities;~~  
9 ~~providing for an actuary; continuance of existing funds or~~  
10 ~~transfer thereof to funds herein established; prescribing~~  
11 ~~rights of beneficiaries; contributions by members; providing~~  
12 ~~for expenses of administration; continuation of existing~~  
13 ~~authority to provide annuity contracts; credit for military~~  
14 ~~service; refunds; exempting allowances from judicial process;~~  
15 ~~and repealing certain acts, "further providing for benefits~~ <—  
16 ~~and for payment into police pension funds by members," ACTS,"~~ <—  
17 ~~further providing for applicability of certain benefit~~  
18 ~~provisions for certain beneficiaries; AND MAKING A RELATED~~ <—  
19 ~~REPEAL.~~

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

22 ~~Section 1. Section 4 of the act of April 17, 2002 (P.L.239,~~ <—  
23 SECTION 1. SECTION 1 OF THE ACT OF MAY 29, 1956 (1955 <—  
24 P.L.1804, NO.600), REFERRED TO AS THE MUNICIPAL POLICE PENSION  
25 LAW, AMENDED APRIL 27, 2002 (P.L.239, NO.30), IS AMENDED TO

1 READ:

2 SECTION 1. (A) (1) EACH BOROUGH, TOWN AND TOWNSHIP OF THIS  
3 COMMONWEALTH MAINTAINING A POLICE FORCE OF THREE OR MORE FULL-  
4 TIME MEMBERS AND EACH REGIONAL POLICE DEPARTMENT SHALL, AND ALL  
5 OTHER BOROUGH, TOWNS OR TOWNSHIPS MAY, ESTABLISH, BY ORDINANCE  
6 OR RESOLUTION, A POLICE PENSION FUND OR PENSION ANNUITY TO BE  
7 MAINTAINED BY A CHARGE AGAINST EACH MEMBER OF THE POLICE FORCE,  
8 BY ANNUAL APPROPRIATIONS MADE BY THE BOROUGH, TOWN, TOWNSHIP OR  
9 REGIONAL POLICE DEPARTMENT, BY PAYMENTS MADE BY THE STATE  
10 TREASURER TO THE MUNICIPAL TREASURER FROM THE MONEYS RECEIVED  
11 FROM TAXES PAID UPON PREMIUMS BY FOREIGN CASUALTY INSURANCE  
12 COMPANIES FOR PURPOSES OF PENSION RETIREMENT FOR POLICEMEN, AND  
13 BY GIFTS, GRANTS, DEVISES OR BEQUESTS GRANTED TO THE PENSION  
14 FUND PURSUANT TO SECTION TWO OF THIS ACT.

15 (2) SUCH FUND SHALL BE UNDER THE DIRECTION OF THE GOVERNING  
16 BODY OF THE BOROUGH, TOWN, TOWNSHIP OR REGIONAL POLICE  
17 DEPARTMENT, AND APPLIED UNDER SUCH REGULATIONS AS SUCH GOVERNING  
18 BODY, BY ORDINANCE OR RESOLUTION, MAY PRESCRIBE FOR THE BENEFIT  
19 OF SUCH MEMBERS OF THE POLICE FORCE AS SHALL RECEIVE HONORABLE  
20 DISCHARGE THEREFROM BY REASON OF AGE AND SERVICE, OR DISABILITY,  
21 AND MAY PRESCRIBE FOR THE BENEFIT (I) OF SURVIVING SPOUSES, AND  
22 IF NO SPOUSE SURVIVES OR IF HE OR SHE SURVIVES AND SUBSEQUENTLY  
23 DIES, THEN (II) OF CHILD OR CHILDREN UNDER THE AGE OF EIGHTEEN  
24 YEARS OR, IF ATTENDING COLLEGE, UNDER OR ATTAINING THE AGE OF  
25 TWENTY-THREE YEARS, OF MEMBERS OF THE POLICE FORCE OR OF MEMBERS  
26 RETIRED ON PENSION.

27 (3) ALL SUCH PENSIONS AS SHALL BE ALLOWED TO THOSE WHO ARE  
28 RETIRED BY REASON OF DISABILITIES SHALL BE IN CONFORMITY WITH A  
29 UNIFORM SCALE.

30 (4) THE SURVIVING SPOUSE, OF A MEMBER OF THE POLICE FORCE OR

1 A [MEMBER WHO] FORMER MEMBER OF THE POLICE FORCE WHO, PRIOR TO  
2 APRIL 18, 2002, RETIRED ON PENSION AND DIES SUBSEQUENT TO  
3 RETIREMENT OR WHO, AFTER APRIL 16, 2002, RETIRES ON PENSION AND  
4 DIES SUBSEQUENT TO RETIREMENT, WHO DIES OR IF NO SPOUSE SURVIVES  
5 OR IF HE OR SHE SURVIVES AND SUBSEQUENTLY DIES, THEN THE CHILD  
6 OR CHILDREN UNDER THE AGE OF EIGHTEEN YEARS OR, IF ATTENDING  
7 COLLEGE, UNDER OR ATTAINING THE AGE OF TWENTY-THREE YEARS, OF A  
8 MEMBER OF THE POLICE FORCE OR A MEMBER WHO RETIRES ON PENSION  
9 WHO DIES, SHALL, DURING HER LIFETIME IN THE CASE OF A SURVIVING  
10 SPOUSE OR UNTIL REACHING THE AGE OF EIGHTEEN YEARS OR, IF  
11 ATTENDING COLLEGE, UNDER OR ATTAINING THE AGE OF TWENTY-THREE  
12 YEARS IN THE CASE OF A CHILD OR CHILDREN, BE ENTITLED TO RECEIVE  
13 A PENSION CALCULATED AT NO LESS THAN FIFTY PER CENTUM OF THE  
14 PENSION THE MEMBER WAS RECEIVING OR WOULD HAVE BEEN RECEIVING  
15 HAD HE BEEN RETIRED AT THE TIME OF HIS DEATH.

16 (5) THE SURVIVING SPOUSE OF A MEMBER OF THE POLICE FORCE WHO  
17 DIES BEFORE HIS PENSION HAS VESTED OR IF NO SPOUSE SURVIVES OR  
18 IF HE OR SHE SURVIVES AND SUBSEQUENTLY DIES, THE CHILD OR  
19 CHILDREN UNDER THE AGE OF EIGHTEEN YEARS OR, IF ATTENDING  
20 COLLEGE, UNDER OR ATTAINING THE AGE OF TWENTY-THREE YEARS, OF  
21 THE MEMBER OF THE POLICE FORCE SHALL BE ENTITLED TO RECEIVE  
22 REPAYMENT OF ALL MONEY WHICH THE MEMBER INVESTED IN THE PENSION  
23 FUND PLUS INTEREST OR OTHER INCREASES IN VALUE OF THE MEMBER'S  
24 INVESTMENT IN THE PENSION FUND UNLESS THE MEMBER HAS DESIGNATED  
25 ANOTHER BENEFICIARY FOR THIS PURPOSE.

26 (B) FOR PURPOSES OF THIS ACT, THE PHRASE "ATTENDING COLLEGE"  
27 SHALL MEAN THE ELIGIBLE CHILDREN ARE REGISTERED AT AN ACCREDITED  
28 INSTITUTION OF HIGHER LEARNING AND ARE CARRYING A MINIMUM COURSE  
29 LOAD OF SEVEN CREDIT HOURS PER SEMESTER AND THE TERM "REGIONAL  
30 POLICE DEPARTMENT" SHALL MEAN A MUNICIPAL POLICE FORCE ORGANIZED

1 AND OPERATED IN COMBINATION BY TWO OR MORE MUNICIPALITIES  
2 THROUGH AN INTERMUNICIPAL AGREEMENT PURSUANT TO 53 PA.C.S. CH.  
3 23 SUBCH. A (RELATING TO INTERGOVERNMENTAL COOPERATION).

4 SECTION 2. THE GENERAL ASSEMBLY FINDS AND DECLARES AS  
5 FOLLOWS:

6 (1) THIS ACT IS INTENDED TO CLARIFY THE PURPOSE OF THE  
7 ACT OF APRIL 17, 2002 (P.L.239, NO.30), ENTITLED "AN ACT  
8 AMENDING THE ACT OF MAY 29, 1956 (1955 P.L.1804, NO.600),  
9 ENTITLED, AS AMENDED, 'AN ACT PROVIDING FOR THE ESTABLISHMENT  
10 OF POLICE PENSION FUNDS OR PENSION ANNUITIES IN CERTAIN  
11 BOROUGH, TOWNS AND TOWNSHIPS; AUTHORIZING THE ESTABLISHMENT  
12 OF POLICE PENSION FUNDS OR PENSION ANNUITIES BY REGIONAL  
13 POLICE DEPARTMENTS; PROVIDING FOR THE REGULATION AND  
14 MAINTENANCE OF POLICE PENSION FUNDS OR PENSION ANNUITIES;  
15 PROVIDING FOR AN ACTUARY; CONTINUANCE OF EXISTING FUNDS OR  
16 TRANSFER THEREOF TO FUNDS HEREIN ESTABLISHED; PRESCRIBING  
17 RIGHTS OF BENEFICIARIES; CONTRIBUTIONS BY MEMBERS; PROVIDING  
18 FOR EXPENSES OF ADMINISTRATION; CONTINUATION OF EXISTING  
19 AUTHORITY TO PROVIDE ANNUITY CONTRACTS; CREDIT FOR MILITARY  
20 SERVICE; REFUNDS; EXEMPTING ALLOWANCES FROM JUDICIAL PROCESS;  
21 AND REPEALING CERTAIN ACTS,' FURTHER PROVIDING FOR BENEFITS  
22 AND FOR PAYMENT INTO POLICE PENSION FUNDS BY MEMBERS," TO  
23 DECLARE AND AFFIRM ITS APPLICABILITY TO THE SPOUSES AND  
24 DEPENDENT CHILDREN OF POLICE OFFICERS WHO HAD RETIRED PRIOR  
25 TO THE EFFECTIVE DATE OF THAT ACT AND WHO SUBSEQUENTLY DIED,  
26 AS WELL AS THOSE WHO WERE DECEASED ON THE EFFECTIVE DATE OF  
27 THE ACT OR WHO RETIRED SUBSEQUENTLY THERETO.

28 (2) IT IS THE MANIFEST INTENT OF THE GENERAL ASSEMBLY  
29 THAT INSOFAR AS THE ACT OF APRIL 17, 2002 (P.L.239, NO.30),  
30 AFFECTS THE BENEFITS PAYABLE TO A SURVIVING SPOUSE OR

1       DEPENDENT CHILD OR CHILDREN UNDER SECTION 1(A)(2) AND (4) OF  
2       THE ACT OF MAY 29, 1956 (1955 P.L.1804, NO.600), REFERRED TO  
3       AS THE MUNICIPAL POLICE PENSION LAW, THAT IN ADDITION TO ITS  
4       PROSPECTIVE APPLICABILITY, THIS ACT DECLARES AND AFFIRMS THAT  
5       THE MANDATED BENEFIT PAYMENTS SHALL BE PAYABLE TO THE  
6       SURVIVING SPOUSE OF A MEMBER OR TO A DEPENDENT CHILD OR  
7       CHILDREN, AS APPLICABLE, REGARDLESS OF WHETHER THE MEMBER  
8       RETIRED OR DIED ON, BEFORE OR AFTER APRIL 17, 2002, AND  
9       FURTHER PROVIDED THAT THE SURVIVING SPOUSE WAS NOT REMARRIED  
10      AS OF APRIL 17, 2002, OR ALTERNATIVELY, TO THE DECEASED  
11      MEMBER'S DEPENDENT CHILD OR CHILDREN.

12      SECTION 3.   REPEALS ARE AS FOLLOWS:

13           (1)   THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER  
14      PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THIS ACT.

15           (2)   SECTION 4 OF THE ACT OF APRIL 17, 2002 (P.L.239,  
16      No.30), entitled "An act amending the act of May 29, 1956  
17      (1955 P.L.1804, No.600), entitled, as amended, 'An act  
18      providing for the establishment of police pension funds or  
19      pension annuities in certain boroughs, towns and townships;  
20      authorizing the establishment of police pension funds or  
21      pension annuities by regional police departments; providing  
22      for the regulation and maintenance of police pension funds or  
23      pension annuities; providing for an actuary; continuance of  
24      existing funds or transfer thereof to funds herein  
25      established; prescribing rights of beneficiaries;  
26      contributions by members; providing for expenses of  
27      administration; continuation of existing authority to provide  
28      annuity contracts; credit for military service; refunds;  
29      exempting allowances from judicial process; and repealing  
30      certain acts,' further providing for benefits and for payment

1       into police pension funds by members," is ~~amended to read:~~ <—  
2       REPEALED. <—  
3       ~~Section 4. The amendment of section 1(a)(2) and (4) insofar~~ <—  
4       ~~as the amendment affects the benefits available to surviving~~  
5       ~~spouses shall apply to surviving spouses whose spouse retired or~~  
6       ~~died on or before the effective date of this act and who were~~  
7       ~~not remarried as of said date.~~  
8       Section ~~2~~ 4. This act shall ~~be retroactive~~ APPLY <—  
9       RETROACTIVELY to April 17, 2002.  
10      Section ~~3~~ 5. This act shall take effect immediately. <—