

## 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 ARMSTRONG, APPROPRIATIONS, RE-REPORTED AS AMENDED,  
MAY 12, 2008

## AN ACT

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

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

19 Section 1. Section 1 of the act of May 29, 1956 (1955  
20 P.L.1804, No.600), referred to as the Municipal Police Pension  
21 Law, amended ~~April 27, 2002~~ APRIL 17, 2002 (P.L.239, No.30), is <—  
22 amended to read:

23 Section 1. (a) (1) Each borough, town and township of this

1 Commonwealth maintaining a police force of three or more full-  
2 time members and each regional police department shall, and all  
3 other boroughs, towns or townships may, establish, by ordinance  
4 or resolution, a police pension fund or pension annuity to be  
5 maintained by a charge against each member of the police force,  
6 by annual appropriations made by the borough, town, township or  
7 regional police department, by payments made by the State  
8 Treasurer to the municipal treasurer from the moneys received  
9 from taxes paid upon premiums by foreign casualty insurance  
10 companies for purposes of pension retirement for policemen, and  
11 by gifts, grants, devises or bequests granted to the pension  
12 fund pursuant to section two of this act.

13 (2) Such fund shall be under the direction of the governing  
14 body of the borough, town, township or regional police  
15 department, and applied under such regulations as such governing  
16 body, by ordinance or resolution, may prescribe for the benefit  
17 of such members of the police force as shall receive honorable  
18 discharge therefrom by reason of age and service, or disability,  
19 and may prescribe for the benefit (i) of surviving spouses, and  
20 if no spouse survives or if he or she survives and subsequently  
21 dies, then (ii) of child or children under the age of eighteen  
22 years or, if attending college, under or attaining the age of  
23 twenty-three years, of members of the police force or of members  
24 retired on pension.

25 (3) All such pensions as shall be allowed to those who are  
26 retired by reason of disabilities shall be in conformity with a  
27 uniform scale.

28 (4) The surviving spouse~~r~~ of a member of the police force or <—  
29 a [member who] former member of the police force who, prior to  
30 April 18, 2002, retired on pension and dies subsequent to

1 retirement or who, after April 16, 2002, retires on pension [WHO <—  
2 DIES] and dies subsequent to retirement, ~~who dies~~ or if no <—  
3 spouse survives or if he or she survives and subsequently dies,  
4 then the child or children under the age of eighteen years or,  
5 if attending college, under or attaining the age of twenty-three  
6 years, of a member of the police force or a member who retires  
7 on pension who dies, shall, during her lifetime in the case of a  
8 surviving spouse or until reaching the age of eighteen years or,  
9 if attending college, under or attaining the age of twenty-three  
10 years in the case of a child or children, be entitled to receive  
11 a pension calculated at no less than fifty per centum of the  
12 pension the member was receiving or would have been receiving  
13 had he been retired at the time of his death.

14 (5) The surviving spouse of a member of the police force who  
15 dies before his pension has vested or if no spouse survives or  
16 if he or she survives and subsequently dies, the child or  
17 children under the age of eighteen years or, if attending  
18 college, under or attaining the age of twenty-three years, of  
19 the member of the police force shall be entitled to receive  
20 repayment of all money which the member invested in the pension  
21 fund plus interest or other increases in value of the member's  
22 investment in the pension fund unless the member has designated  
23 another beneficiary for this purpose.

24 (b) For purposes of this act, the phrase "attending college"  
25 shall mean the eligible children are registered at an accredited  
26 institution of higher learning and are carrying a minimum course  
27 load of seven credit hours per semester and the term "regional  
28 police department" shall mean a municipal police force organized  
29 and operated in combination by two or more municipalities  
30 through an intermunicipal agreement pursuant to 53 Pa.C.S. Ch.

23 Subch. A (relating to intergovernmental cooperation).

Section 2. the General Assembly finds and declares as follows:

(1) This act is intended to clarify the purpose of the act of April 17, 2002 (P.L.239, No.30), entitled "An act amending the act of May 29, 1956 (1955 P.L.1804, No.600), entitled, as amended, 'An act providing for the establishment of police pension funds or pension annuities in certain boroughs, towns and townships; authorizing the establishment of police pension funds or pension annuities by regional police departments; providing for the regulation and maintenance of police pension funds or pension annuities; providing for an actuary; continuance of existing funds or transfer thereof to funds herein established; prescribing rights of beneficiaries; contributions by members; providing for expenses of administration; continuation of existing authority to provide annuity contracts; credit for military service; refunds; exempting allowances from judicial process; and repealing certain acts,' further providing for benefits and for payment into police pension funds by members," to declare and affirm its applicability to the spouses and dependent children of police officers who had retired prior to the effective date of that act and who subsequently died, as well as those who were deceased on the effective date of the act or who retired subsequently thereto.

(2) It is the manifest intent of the General Assembly that insofar as the act of April 17, 2002 (P.L.239, No.30), affects the benefits payable to a surviving spouse or dependent child or children under section 1(a)(2) and (4) of the act of May 29, 1956 (1955 P.L.1804, No.600), referred to

1 as the Municipal Police Pension Law, that in addition to its  
2 prospective applicability, this act declares and affirms that  
3 the mandated benefit payments shall be payable to the  
4 surviving spouse of a member or to a dependent child or  
5 children, as applicable, regardless of whether the member  
6 retired or died on, before or after April 17, 2002, and  
7 further provided that the surviving spouse was not remarried  
8 as of April 17, 2002, or alternatively, to the deceased  
9 member's dependent child or children.

10 Section 3. Repeals are as follows:

11 (1) The General Assembly declares that the repeal under  
12 paragraph (2) is necessary to effectuate this act.

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

30 Section 4. This act shall apply retroactively to April 17,

1 2002.

2 Section 5. This act shall take effect immediately.