

Technical employes need not be residents.

Section 5. The engineers, draftsmen, designers, and other technical employes of said Department of City Transit may be appointed without regard to whether they are residents of such city or not.

Repeal.

Section 6. That all acts or parts of acts, general, local, or special, inconsistent, be and the same are hereby repealed.

APPROVED—The 14th day of May, A. D. 1925.

GIFFORD PINCHOT.

No. 404.

AN ACT

To amend sections three, four, five, nine, and eleven of an act, approved the twenty-eighth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, five hundred ninety-six), entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities, and regulating the administration and the payment of such pensions," changing the provisions of the act which regulate the payment of pensions, requiring certain things from the pensioners, and requiring the cities to set aside additional funds in certain cases.

Cities of second class.

Pension fund.

Section 3 of act of May 28, 1915 (P. L. 596), amended.

Application for retirement.

Pension.

Proviso.

Section 4 amended.

Amount of pension.

Section 1. Be it enacted, &c., That section three of an act, approved the twenty-eighth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, five hundred ninety-six), entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities, and regulating the administration and the payment of such pensions," is hereby amended to read as follows:

Section 3. Every person now or hereafter employed by the said cities, as herein provided, if any, of the age of sixty years and upwards, who shall have been so employed for a period of twenty years or more, shall, upon application to the board of pensions herein created, be retired from service, and shall during the remainder of his or her life receive the pension or compensation fixed by this act, subject to such qualifications as are herein contained: *Provided, That if such person had been employed by the said city for a period covering eighteen years or more prior to the passage of this act and shall thereafter be re-employed it shall be necessary that the period of his or her re-employment shall extend over a period of two years before such person shall be entitled to receive the pension fixed by this act.*

Section 2. That section four of said act is hereby amended to read as follows:

Section 4. During the lifetime of the said person, he or she shall be entitled to receive [as] a pension [annually] from the fund set aside for the purpose,

fifty per centum of the amount which would constitute the average [annual salary or wages] *rate of pay* at which he or she [received] *was employed* during the last five years of his or her employment by the said city. Said pension [to] *shall be paid* in monthly payments: *Provided, That if any pension be granted to a person who has not been a contributor to the pension fund, as herein provided, during a period of twenty years, such person shall be required to pay unto the board of pensions monthly an amount equal to not less than two nor more than three per centum of his or her pension until such time as his or her contributions shall have extended during a period of twenty years.* Should any person so employed, after twenty years of service, be dismissed, voluntarily retire, or be in any manner deprived of his or her position or employment before attaining the age of sixty years, upon continuing a monthly payment to the fund equal to the last amount due and paid monthly while in active service, said person shall be entitled to the pension above mentioned, notwithstanding he or she has not attained the age of sixty years at the time of his or her separation from the service of such city; but said pension shall not commence until he or she has attained the age of sixty years. Should any employe, however, become totally and permanently disabled after [twenty] *ten* years of service, [and before attaining the age of sixty years,] he or she shall be entitled to the said pension: *Provided, That if any employe who has served less than ten years becomes totally and permanently disabled by reason of injury sustained in the actual performance of duty such employe shall be entitled to the said pension.* Proof of total and permanent disability shall consist of the sworn statement of three practicing physicians, designated by the board, that the employe is in a permanent condition of health which would totally disable him or her from performing the duties of his or her position or office. *Once a year the board of pensions may require a disability pensioner to undergo a medical examination by three physicians appointed by the board, and should such physicians thereupon report and certify to the board that such beneficiary is no longer incapacitated and should the pension board concur in such report the pension to such beneficiary shall be discontinued.* The pension paid to any one employe shall not exceed one hundred dollars per month *and shall not be computed on rate of pay in excess of two hundred dollars per month.*

Proviso.

Before attaining the age of 60 years.

Monthly payment.

Total disability after 10 years' service.

Proviso.

Proof.

Physicians' statement.

Examination.

Pension discontinued.

Limit of amount

Section 3. That section five of said act is hereby amended to read as follows:

Section 5 amended.

Monthly payments by employes.

Section 5. The city employes shall, after the passage of this act, pay unto the board of pensions monthly an amount equal to *not less than two nor more than three* per centum of their monthly salaries or wages, as fixed by the board of pensions; in no event, however, paying at a rate greater than [four] *six* dollars per month, which shall be applied to the purposes of this act. Payment of the monthly amount or contribution herein mentioned shall cease and be discontinued at the time the beneficiary received the pension herein provided *if such beneficiary has so contributed to the pension fund during a period of twenty years. If at the time the beneficiary received the pension herein provided he or she shall not have been a contributor to the pension fund during a period of twenty years such person shall be required to pay unto the board of pensions an amount equal to not less than two nor more than three per centum of his or her monthly pension until such time as his or her contributions shall have extended during a period of twenty years.* If, for any cause, an employe contributing to the pension fund shall cease to be an employe of any such cities of the second class before said employe becomes entitled to the *pension* [pensions] conferred by this act, the total amount of the contributions paid unto the pension fund by such employe shall be refunded to him or her in full without interest: Provided, however, If any such employe shall have returned to him or her the amount contributed, as aforesaid, and shall afterwards re-enter the employ of such city, said employe shall not be entitled to the pension designated until twenty years after said re-employment, unless he or she shall return to the pension fund the amount withdrawn; in which event the period of twenty years shall be computed from the time said employe first entered the service of said city. In the event of the death of any such employe before the said employe becomes entitled to the pension aforesaid, the said total amount of contributions aforesaid shall be paid over to the estate of the said deceased employe *or to his or her heirs.*

If a contributor for 20 years.

If not a contributor for 20 years.

Refund of contributions on leaving employment.

Proviso.

Death of employe.

Section 9 amended.

Section 4. That section nine of said act is hereby amended to read as follows:

Appropriation by city.

Section 9. The public authorities of every city of the second class, charged with the disbursements, expenditures, and appropriations, shall annually set aside, apportion, and appropriate, out of all taxes and income of the said cities, unto the board of pensions, a sum sufficient to maintain the pensions or compensations due under this act. *If the total disbursements from the pension fund for the payment of pensions, refund of contributions of employes, and administration expenses shall exceed in any year the total revenues of the pension fund from the contributions of*

If disbursements exceed revenues.

*employes and the interest and premiums earned on investments and bank deposits, then the amount to be set aside, apportioned, and appropriated by the public authorities of such city of the second class to the pension fund shall not be less than the difference between the total disbursements and receipts of the pension fund, as aforesaid.*

Section 5. That section eleven of said act is hereby amended to read as follows:

Section 11  
amended.

Section 11. The time of service herein specified, namely, twenty years, shall be computed from the time of the first or original employment; said employment to consist of service to such city of the second class, and need not be continuous: [No pensions shall be paid under the provisions of this act, however, until after January first, one thousand nine hundred and seventeen.] *Provided, That in no case shall a period of more than eighteen years be credited to the service record of any person who shall be employed after the passage of this act and who shall have been employed by such city prior to the passage of this act. If an employe shall have enlisted or shall have been drafted to serve in the Army or Navy of the United States in time of war, such service in the Army or Navy of the United States shall be credited in full to the service record of such employe as service to such city of the second class.*

Time of service.

Proviso.

Employe in United  
States service.

APPROVED—The 14th day of May, A. D. 1925.

GIFFORD PINCHOT.

No. 405.

AN ACT

To prevent unfair discrimination against Pennsylvania manufacturers by making it unlawful for any municipality to levy license taxes or fees against such manufacturers that are not levied against non-resident manufacturers.

Section 1. Be it enacted, &c., That it shall be unlawful for any city, borough, or incorporated town or township to impose by ordinance or exact or collect under the provisions of any ordinance heretofore or hereafter enacted any license tax or fee upon or from any manufacturer or the agent, representative, or employe of any manufacturer who is a resident of the Commonwealth for soliciting orders for or for selling any goods, merchandise, or wares manufactured within this Commonwealth that is not or cannot legally be imposed upon or exacted or collected from any manufacturer or dealer or the agent, representative, or employe of any manufacturer who is a non-

When it is un-  
lawful to tax resi-  
dent manufactur-  
ers.