

at least twenty percent of the program costs to be paid by Pennsylvania and New Jersey, New Jersey shall have the same voting rights as if it had enacted this act to create an interstate compact, and the appointees of the Governors shall be limited to one from each state.

No such agreements may exceed in their terms one fiscal year.

At such time as New Jersey shall enact this act to create an interstate compact, then the commission shall organize as expressed herein and the appointees of the Governors shall be limited to one from each state.

Section 2. This act shall take effect immediately.

APPROVED—The 9th day of November, A. D. 1965.

WILLIAM W. SCRANTON

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No. 333

AN ACT

HB 2010

Amending the act of May 25, 1933 (P. L. 1050), entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired and disabled employes of the bureau of fire in cities of the second class; creating a board for the management thereof; providing the mode and manner of payment to beneficiaries, and for the care and disposition of its funds; and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created," authorizing additional supplies and employes for the board; providing for additional contributions by employes; further regulating payments to beneficiaries and their spouses and children.

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

Section 1. Section 6, act of May 25, 1933 (P. L. 1050), entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired and disabled employes of the bureau of fire in cities of the second class; creating a board for the management thereof; providing the mode and manner of payment to beneficiaries, and for the care and disposition of its funds; and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created," is amended by adding at the end thereof a new paragraph to read:

Section 6. \* \* \*

The board may appoint and fix the compensation of such employes

necessary to the proper administration of the fund, and provide for equipment, supplies and services necessary to the administration of the fund. The cost thereof shall be payable from the fund.

Section 2. Clause (2) of section 9 of the act, amended May 15, 1961 (P. L. 205) and June 19, 1961 (P. L. 473), is amended to read:

Section 9. Any individual eligible to membership in such fund, as aforesaid, shall be required—

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(2) To contribute to said fund [five] six per centum of his rated monthly salary or wages, [but not in excess of twenty-five dollars a month] which shall be deducted from his salary or wages by the city controller from the payroll for the last [half] pay period of each month, and paid into the fund. All beneficiaries of the fund shall, in addition thereto, pay the sum of one dollar a month into the said fund, and in the case of active members, the city controller shall deduct said contribution from the payroll of the last [half] pay period of each month and the secretary of the fund shall deduct the sum of one dollar from the pension paid each pensioner. The amount so collected shall be paid into the firemen's relief and pension fund and out of the funds of the firemen's relief and pension fund there shall be paid to the beneficiary of any deceased member of the fund, the sum of one thousand two hundred dollars.

When any member of the fund shall resign or be dismissed from service there shall be paid to him from the fund a sum of money equal to all dues paid by him into the fund, without interest. When any member of the fund shall die in active service there shall be paid from the fund a sum of money equal to all dues paid by him into the fund, without interest, to his widow, if there be such widow, or in the absence of such widow to such person or persons as he shall have designated on a form prepared and approved by the board for such purpose, or in the absence of such widow and such designation to his estate. When any beneficiary shall die before he has received pension payments equal in amount to his total contributions to the fund, there shall be paid a sum of money equal to the difference between the amount of his said contributions and the amount he shall have received as pension payments, without interest, to his widow, if there be such widow or in the absence of such widow to such person or persons as he shall have designated on a form prepared and approved by the board for such purpose, or in the absence of such widow and such designation to his estate.

In addition when any member of the fund shall die as a result of injuries incurred while in the performance of his duties, there shall be paid to his widow from the fund monthly sums in amounts which, together with any payments received under "The Pennsylvania Workmen's Compensation Act" or "The Pennsylvania Occupational Disease Act," will be equal to fifty per centum of his salary at the time of his death. [provided such combined payment shall be not less than two hundred dollars per month and not more than two hundred fifty dollars per month.] Such monthly payments shall continue for [three hundred fifty] five hundred weeks, or until the widow shall remarry, or until her death, whichever shall first occur.

In the event there are surviving children but no widow, or after the payments herein provided for the widow have been discontinued by reason of the end of the [three hundred fifty] five hundred week period or her remarriage or death, each unmarried child of the deceased member under the age of eighteen years shall thereafter receive payments equal to twenty-five per centum of the payments above provided for the widow, but in no case shall total payments to one family be more than [two hundred fifty dollars] fifty per centum of his salary at the time of his death. Where there is only one child, the minimum monthly payments shall be sixty dollars. Where the maximum amount is payable, it shall be divided equally among the children entitled thereto. The payments for each child shall terminate upon his reaching the age of eighteen years or his marriage or death: Provided, That the board may continue indefinitely payments to a dependent incompetent child. These payments shall consist of any payments received under "The Pennsylvania Workmen's Compensation Act" or "The Pennsylvania Occupational Disease Act," supplemented by the necessary amounts from the pension fund. In the event there are no surviving children or no widow entitled to receive the payments provided for in this act, any dependent parents of the member shall receive the payments the widow would have received had she survived and not remarried.

Regular employes shall serve at least fifteen days in each month and appear on all payrolls of said bureau of fire in said month in order to be credited for one month's service for pension under this act. In the event, however, that such regular employe served one or more days in any month while serving as a substitute employe prior to becoming a regular employe, such regular employe shall be given a full month's credit for the day or days in every month so served as a substitute:

Provided, That the dues for each month so credited are paid in full.

Payments to the widows and children of members killed while on duty shall first be made on and after July 1, 1959.

Section 3. Section 9.1 of the act, added October 2, 1959 (P. L. 1020), is amended to read:

Section 9.1. Each person who shall become an employe of the bureau of fire after having been employed by the city other than in the bureau of fire, and who shall desire to have such previous service counted for eligibility to receive a pension under the provisions of section 11 of this act, shall be required to pay to the fund an amount equal to five per centum of his or her total salary or wages theretofore received by him or her [but in no event contributing more than twenty-five dollars (\$25) per month] for each previous month of service for which he receives credit as an employe of the city, with interest at the rate earned by the fund during the period of such prior employment: Provided, That service to be credited which was performed after the effective date of this act shall be paid for at the new rate of contribution. Full payment of such amount shall be a condition precedent to the member receiving credit for all or any part of said period of previous service for eligibility to receive a pension. Such amount shall be collected from the monthly salary or wages of the member over the period of two years in the manner provided in clause (2) of section 9 of this act, or in such manner and period as the board of managers may determine. If, however, any such member shall be injured in the line of duty before he shall have made such full contribution for past service, so long as the disability continues he or she shall be eligible to pension under this act, but any amount which he or she shall not yet have paid to the fund as a contribution for past services under this section at the date of his or her injury shall be paid if the board in its discretion, shall so determine, in such monthly payments as the board may determine, which amounts shall be deducted from his or her pension as and when monthly payments thereof shall be made.

Section 4. Section 9.2, clause (3) of subsection (a) and subsections (b) and (d) of section 9.3 of the act, added August 27, 1963 (P. L. 1297), are amended to read:

Section 9.2. Married Persons; Pension to Surviving Spouse.—(a) Any married person who elects in writing to be governed by the provisions of this amendment and who retires under the provisions of this act shall, at the time of his retirement, receive the pension provided by this act during his lifetime and a pension after his death, payable to

his surviving spouse at the time of [retirement] his death equal to fifty per centum of his pension: Provided, That such person [so retiring] shall have been married to his spouse for not less than [five] two years prior to the date of [retirement] his death and the spouse [is] was dependent upon such deceased employe at the time of his death.

(b) [The pension to be paid to such surviving spouse shall begin on the first day of the month in which the death of the deceased spouse occurs or the first day of the month following the surviving spouse's attainment of the age of forty-five, whichever is the later, and shall continue to and terminate upon the death of such surviving spouse, unless such surviving spouse shall remarry, in which event the payment of the survivor's pension shall thereupon be terminated.] Such surviving spouse shall be entitled to receive payments commencing the first day of the month in which the death of the deceased spouse occurs, and shall continue to and terminate upon the death of such surviving spouse, unless such surviving spouse shall remarry, in which event the board may allocate the pension to dependent children or parents as provided in this act: Provided, however, That in no case shall total payments to a member or his survivors or his estate be less than the deceased member's contribution into the fund.

(c) The word "pension" as used in this section shall be construed to mean the sum of the pension provided by this act plus the amount of service increment, if any, to which the married person retiring shall be entitled.

(d) [When any surviving spouse receives payments under the provisions of this section, such surviving spouse shall not be entitled to any withdrawal of contributions made into the fund by the deceased employe, nor shall the children, parents or estate of the deceased employe be entitled to a refund of said contributions.] In the event there is no surviving spouse, or the surviving spouse dies or remarries while receiving payments under this section, and where there are dependent children of the deceased member of the fund, the board may pay to each such dependent child twenty-five per centum of the pension earned by the deceased member until each such child attains the age of eighteen or marries or dies: Provided, That the board may indefinitely continue

payments to a dependent incompetent child. Where the sums payable to dependent children under this section are equal to the maximum pension to which the widow would be entitled, it shall be divided equally among the children entitled thereto. In the event there are no surviving children or no widow entitled to receive the payments provided for in this act, any dependent parents of the deceased member shall receive the monthly payments the widow would have received had she survived and not remarried.

Section 9.3. (a) A surviving spouse of any active member of the fund who:

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(3) had completed twenty years of service or otherwise qualified for a pension [as to years of service and age] shall be entitled to survivorship benefits equal to fifty per centum of the pension which would have been payable to such active member had he retired at the date of his death: Provided, That such employe shall have been married to his spouse for not less than [five] two years prior to the date of his death and that the spouse was dependent upon such deceased employe at the time of his death.

(b) Such surviving spouse shall be entitled to receive payments [commencing the first day of the month next following the death of the deceased spouse or upon the first day of the month when the surviving spouse attains the age of forty-five, whichever is later, and such payments shall continue to and terminate upon the death of such surviving spouse: Provided, however, That in the event that such surviving spouse shall remarry, the payment of the survivorship pension shall thereupon be terminated] as provided in subsection (b) of section 9.2 of this act.

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(d) [When any surviving spouse receives payments under the provisions of this section, such surviving spouse shall not be entitled to any withdrawal of contributions made into the fund by the deceased employe, nor shall the estate of the deceased be entitled to a refund of said contributions.] In the event there is no surviving spouse or the surviving spouse dies or remarries and where there are dependent children of the deceased member of the fund, the board may pay to each such dependent child twenty-five per centum of the pension earned by the deceased mem-

ber until each such child attains the age of eighteen or marries or dies:  
Provided, That the board may indefinitely continue payments to a dependent incompetent child. Where the sums payable to dependent children under this section are equal to the maximum pension to which the widow would be entitled, it shall be divided equally among the children entitled thereto. In the event there are no surviving children or no widow entitled to receive the payments provided for in this act, any dependent parents of the deceased member shall receive the monthly payments the widow would have received had she survived and not remarried.

Section 5. Section 10 of the act, amended October 2, 1959 (P. L. 1020), is amended to read:

Section 10. A member of the fund who has <sup>1</sup> severed his connection therewith and has subsequently again become eligible for membership therein shall, in addition to a readmission fee of five dollars, be required to return to the fund such dues as were repaid to him from the fund when his membership in the fund was severed.

Such refund shall be collected from the monthly salary or wages of the reinstated member over the period of a year, and full payment thereof shall be a condition precedent to the member being eligible to the benefits of the fund.

Any person previously on retirement who is re-employed and reinstated as a member of the fund shall, at the time of his later retirement, be entitled to any increase in pension which has been provided for by amendments to the law prior to such later retirement.

If, however, any such reinstated member shall be totally and permanently disabled in line of duty before he shall have made such full restitution and before the expiration of the one year period, he shall be eligible to pension under this act; but any amount to which he shall have been indebted to the fund at the date of his injury shall be repaid, if the board, in its discretion, shall so require, in such monthly payments as said board may determine, which amounts shall be deducted from his pension as and when monthly payments thereof shall be made.

Section 6. Section 11.1 of the act, reenacted and amended August 14, 1959 (P. L. 715), is amended to read:

Section 11.1. In addition to applicants eligible for pension pursuant to section eleven of this act, any member who has been admitted to mem-

<sup>1</sup> "served" in original.

bership in this fund, who has become totally and permanently disabled after fifteen years of service, shall be entitled to the said pension. Any [member having served less than fifteen years,] person who has become totally and permanently disabled by reason of injury sustained in the actual performance of duty, shall be entitled to such pension. [payments in amounts which, together with any payments he receives under "The Pennsylvania Workmen's Compensation Act" or "The Pennsylvania Occupational Disease Act," will equal fifty per centum of his final salary, provided such combined payments shall be not less than two hundred dollars (\$200) per month and not more than two hundred fifty dollars (\$250) per month.] Such service shall include service in the armed forces of the United States in times of war or armed conflict, or active service in the Pennsylvania State Militia when it has been mobilized for internal policy duty. 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 payments to such beneficiary shall be discontinued when the beneficiary is returned to active duty or has refused to return to active duty.

Payments to disabled members shall be made on or after July 1, 1959.

Section 7. Subsection (a) of section 12 of the act, amended October 2, 1959 (P. L. 1020), is amended to read:

Section 12. (a) Beneficiaries under the fund, who retire on or after January one, one thousand nine hundred fifty-six, shall be entitled to receive from the fund, per month, an amount equalling fifty per centum of the average monthly salary earned by the contributor as an employe of the bureau of fire of the city during any five calendar years of service or the last sixty months immediately preceding retirement. If any employe has not been employed in the bureau of fire for at least five years but is otherwise entitled to a pension, such employe's pension shall equal not less than fifty per centum of the amount which would constitute the average monthly salary or wages received by the beneficiary as an employe of the bureau of fire. [In no event shall the maximum monthly pension payment exceed two hundred and fifty dollars per month.]

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Section 8. The first paragraph of section 12.4 of the act, added October 21, 1955 (P. L. 717), is amended to read:

Section 12.4. In every city of the second class, in addition to the pension which is authorized by law [and notwithstanding the limitations therein placed upon pensions and upon contributions], every contributor who shall have otherwise become entitled to the pension and who has reached the age of fifty years, shall also be entitled to the payment of a service increment in accordance with and subject to the conditions hereinafter set forth:

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Section 9. All acts and parts of acts are repealed in so far as they are inconsistent herewith.

Section 10. This act shall take effect immediately.

APPROVED—The 9th day of November, A. D. 1965.

WILLIAM W. SCRANTON

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No. 334

AN ACT

HB 2011

Amending the act of May 22, 1935 (P. L. 233), entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired, and disabled employees of the Bureau of Police in cities of the second class; providing a pension fund for said employees; and providing for the payment of certain dues, fees, assessments, fines, and appropriations thereto; regulating membership therein; creating a board for the management thereof; providing the amount, mode, and manner of payment to beneficiaries thereof, and for the care and disposition of said fund; providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds, organizations, corporations, or associations having the same or similar purposes, and of such additional monies as may be necessary to carry out the provisions of this act," authorizing additional supplies and employes for the board; providing for additional contributions by employes; further regulating payments to beneficiaries and their spouses and children.

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

Section 1. Section 6, act of May 22, 1935 (P. L. 233), entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired, and disabled employees of the Bureau of Police in cities of the second class; providing a pension fund for said employees; and providing for the payment of certain dues, fees, assessments, fines, and appropriations thereto; regulating membership therein; creating a board for the management thereof; providing the amount, mode, and manner