

000), or as much thereof as is necessary, is appropriated to the Department of Welfare for the operation of the camp or camps: Provided, That whenever campers are transferred to a forest conservation camp from the Pennsylvania Training School, the cost of maintaining them will be borne by that institution.

Act effective immediately.

Section 5. This act shall become effective immediately upon final enactment.

APPROVED—The 29th day of May, A. D. 1956.

GEORGE M. LEADER

No. 600

AN ACT

Providing for the establishment of police *pension funds or pension annuities in certain boroughs, towns and townships, and the regulation and maintenance thereof; 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.

Police pensions of political subdivisions of the Commonwealth.

Authority to establish police pension funds, and its maintenance.

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

Section 1. Each borough, town and township of this Commonwealth maintaining a police force of eight or more members shall establish, by ordinance or resolution, a police pension fund or pension annuity to be maintained by a charge against each member of the police force, by annual appropriations made by the borough, town or township, by payments made by the State Treasurer to the municipal treasurer from the moneys received from taxes paid upon premiums by foreign-casualty insurance companies for purposes of pension retirement, for policemen and by gifts, grants, devises or bequests granted to the pension fund pursuant to section two of this act. Such fund shall be under the direction of the governing body of the borough, town or township, and applied under such regulations as such governing body may, by ordinance or resolution, prescribe for the benefit of such members of the police force as shall receive honorable discharge therefrom by reason of age and service.

Police pension fund authorized to receive money and property.

Section 2. Any borough, town or township police pension fund shall be authorized to take by gift, grant, devise or bequest, any money or property, real, personal or mixed, in trust, for the benefit of such fund and the

* "pension," in original.

care, management, investment and disposal of such trust funds or property shall be vested in the person or persons having the management of such police pension fund, and the said trust funds shall be governed thereby subject to such directions not inconsistent therewith as the donors of such funds and property may prescribe.

Section 3. Each ordinance or resolution establishing a police pension fund shall prescribe a minimum period of total service not less than an aggregate of twenty-five years in the same borough, town or township and a minimum age of sixty years after which members of the force may retire from active duty, and such members as are retired shall be subject to service, from time to time, as a police reserve, in cases of riot, tumult or preservation of the public peace until unfitted for such service, when they may be finally discharged by reason of age or disability.

Minimum total service and minimum age for retirement.

Section 4. Any member of the police force employed by a borough, town or township, who has been a regularly appointed employe of any such political subdivision for a period of at least six months and who thereafter shall enter into the military service of the United States, shall have credited to his employment record for pension or retirement benefits all of the time spent by him in such military service, if such person returns or has heretofore returned to his employment within six months after his separation from the service.

Credit for military service.

Section 5. Payments made under the provisions of this act shall not be a charge on any other fund in the treasury of any borough, town or township, or under its control, save the police pension fund herein provided for. The basis for determining any pension payable under this act, following retirement of any member of the force meeting the service and age qualifications of the ordinance or resolution establishing a police pension fund, shall be as follows:

Basis for determination of pension.

Monthly pension or retirement benefits shall be one-half the monthly average salary of such member during the last sixty months of employment. Such pension or retirement benefits for any month shall be computed as the sum of (i) any pension benefits from pension plans heretofore established by a private organization or association for the members of the police force, (ii) primary benefits under Federal social security laws for which the officer may be eligible because of age, and (iii) benefits from the police pension fund established pursuant to this act to the extent necessary to bring the total benefits in any month up to one-half the aforesaid monthly average salary.

Employment of
actuary:
Payments from
State Treasurer
to be applied for
specific purposes.

Section 6. When a police pension fund is established under the provisions of this act, the governing body of the borough, town or township, shall employ an actuary, and may fix his compensation. The actuary shall determine the present value of the liability on account of pensions payable under section five of this act to original members for service prior to the date of the establishment of the fund, and shall offset the value of any assets transferred to the fund from a previous pension fund to determine the unfunded liability. The unfunded liability shall be paid entirely by the borough, town or township: Provided, That it may be funded over a period not to exceed twenty-five years. The actuary shall also determine the amount which shall be contributed annually into the fund for the service of members subsequent to the establishment of the fund (to be known as "future service cost").

Members shall pay into the fund, monthly, an amount equal to not less than five per centum of monthly compensation. Where positions covered by the fund are included in an agreement under the Federal Social Security Act, members shall pay into the fund, monthly, an amount equal to not less than two per centum of that portion of monthly compensation on which social security allowances are payable and five per centum of any monthly compensation in excess of that on which social security allowances are payable. The remainder of the needed annual contribution, as determined by the actuary, shall become the obligation of the borough, town or township, and shall be paid by it to the pension fund by annual appropriations.

The payments made by the State Treasurer to the municipal treasurer from the moneys received from taxes paid upon premiums by foreign casualty insurance companies for purposes of pension retirement or disability benefits for policemen shall be used, as follows: (1) to reduce the unfunded liability or, after such liability has been funded, (2) to apply against the annual obligation of the borough, town or township for future service cost to or to the extent that the payment may be in excess of such obligation, (3) to reduce member *contribution. Unless otherwise specifically provided, any other moneys paid into the police pension fund shall be applied equally against the member and the municipal portions of the future service cost.

It shall be the duty of the governing body to apply such payments in accordance with the provisions of this act.

* "contributing" in original.

Section 7. Where there is an existing police pension fund established by a borough, town or township on the effective date of this act, the members' assets and liabilities of such fund shall be transferred to a fund established pursuant to the provisions of this act.

Transfer of existing funds to a new fund as established by this act.

Where there is an existing police pension fund established by a private organization or association therein for the members of the police force on the effective date of this act, the members' assets and liabilities of such fund may be transferred to a fund established pursuant to the provisions of this act.

After such transfer, the borough, town or township police pension fund shall assume the liability of continuing the payment of pensions to members of the police force retired prior to such transfer in accordance with the laws and regulations under which such members were retired.

Liability of borough, town or township.

The provisions of this act shall not be deemed to restrict the existing authority of boroughs, towns and townships, to provide pensions through annuity contracts with insurance companies: Provided, That such pensions shall not be less than the minimum provided under this act, and shall conform to the requirements of this act relating to age and service.

Where an existing police pension fund established by a private organization or association therein for the members of the police force is not transferred to a fund established pursuant to the provisions of this act, no moneys derived or received from taxes paid upon premiums by foreign casualty insurance companies or from appropriations made by the borough, town or township, shall be applied to such private fund.

Section 8. No person participating in a police pension fund established pursuant to the provisions of this act, who becomes entitled to receive a benefit therefrom, shall be deprived of his right to an equal proportionate share therein upon the basis upon which he first became entitled thereto.

Section 9. Any member of a police force of a borough, town or township, who for any reason whatsoever, shall be ineligible to receive a pension after having contributed any charges to a police pension fund established pursuant to the provisions of this act, or to a police pension fund existing on the effective date of this act supplanted by a police pension fund established pursuant to the provisions of this act, shall be entitled to a refund of all such moneys paid by him into such funds immediately upon discontinuance of his employment with the police force. If such

Refund.

discontinuance is due to death, such moneys shall be paid to his designated beneficiary or, in the absence thereof, to his estate.

Pension pay-
ments not subject
to legal process.

Section 10. The pension payments, herein provided for, shall not be subject to attachment, execution, levy, garnishment or other legal process, and shall be payable only to the member or his designated beneficiary * and shall not be subject to assignment or transfer.

Administrative
expenses to be
borne by political
subdivision.

Section 11. The expense of the administration of this act, including the compensation of an actuary and the custodian of the fund, exclusive of the payments of retirement allowances, shall be paid by the borough, town or township by appropriations made by the governing bodies thereof.

Repeal of certain
acts and parts of
acts except for
accrued benefits
which shall
continue.

Section 12. Subject to the provisions of section six of this act, the following acts and parts of acts are hereby repealed in so far as they apply to boroughs, towns and townships maintaining a police force of four or more members, except that the benefits that have accrued under such acts, or parts of acts, shall continue notwithstanding such repeal:

Sections 1131 to 1137 of the act of May four, one thousand nine hundred twenty-seven (Pamphlet Laws 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs", and their reenactments and amendments.

Sections 1409 to 1415 of the act of June twenty-four, one thousand nine hundred thirty-one (Pamphlet Laws 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto", and their reenactments and amendments.

Sections 595 to 599 of the act of May one, one thousand nine hundred thirty-three (Pamphlet Laws 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto", and their reenactments and amendments.

The act of May two, one thousand nine hundred forty-nine (Pamphlet Laws 872), entitled "An act granting credit toward pension or retirement benefits of certain members of the police force employed by political subdivisions for time spent in the military service of the United States".

The act of May twenty, one thousand nine hundred forty-nine (Pamphlet Laws 1488) entitled "An act

* "act" in original.

relating to police pension funds in boroughs, towns and townships, and authorizing such political subdivisions to appropriate monies thereto”.

Section 13. This act shall take effect immediately, but no payments shall be made from the fund established by this act until January first, one thousand nine hundred fifty-eight.

Effective date of act and time for payments to be made January 1, 1958.

APPROVED—The 29th day of May, A. D. 1956.

GEORGE M. LEADER

No. 601

AN ACT

Amending the act of July eleven, one thousand nine hundred and seventeen (Pamphlet Laws 758), entitled “An act for the protection of the public health by regulating the possession, control, dealing in, giving away, delivery, dispensing, administering, prescribing, and use of certain drugs, and keeping records thereof; by regulating the use of drugs in the treatment of the drug habit; by providing for the revocation and suspension of licenses of physicians, dentists, veterinarians, pharmacists, druggists, and registered nurses for certain causes, and by providing for the enforcement of this act, and penalties,” further defining drugs coming within the scope of said act, and changing the penalties for the illegal possession, sale, dispensing or giving away of drugs, and limiting the powers of the courts to suspend sentence, grant probation or parole in such cases.

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

Drugs.

Section 1. Section one, act of July eleven, one thousand nine hundred and seventeen (Pamphlet Laws 758), entitled “An act for the protection of the public health by regulating the possession, control, dealing in, giving away, delivery, dispensing, administering, prescribing, and use of certain drugs, and keeping records thereof; by regulating the use of drugs in the treatment of the drug habit; by providing for the revocation and suspension of licenses of physicians, dentists, veterinarians, pharmacists, druggists, and registered nurses for certain causes, and by providing for the enforcement of this act, and penalties”, amended December 13, 1955 (Act No. 253) is amended to read:

Section 1, act of July 11, 1917, P. L. 758, amended December 13, 1955, Act No. 253, further amended.

Section 1. Be it enacted, &c., That, except as limited in section two of this act, the word “drug”, as used in this act, shall be construed to include: (a) opium; or (b) coca leaves; or (c) marihuana; (d) any compound or derivative of opium, coca leaves, or marihuana; or (e) any substance or preparation containing opium, coca

“Drug” defined.