

Fund; providing for subsequent transfers of equal sums between such funds; and making appropriations necessary to effect such transfers," are amended to read:

Section 1. Be it enacted, &c., That whenever the Governor shall ascertain that the cash balance and the current estimated receipts of the General Fund or of the Motor License Fund shall be insufficient at any time during any fiscal [biennium] *period* to meet promptly the expenses of the Commonwealth payable from either fund, the State Treasurer is hereby authorized and directed, from time to time during such fiscal [biennium] *period*, to transfer to such fund from the Motor License Fund or the General Fund, as the case may be, such sums as the Governor shall direct. Any sums so transferred shall be available for the purposes for which the fund to which they are transferred is appropriated by law. Transfers shall be made hereunder upon warrant by the Auditor General upon requisitions of the Governor.

General and  
Motor License  
Funds.

Transfer of  
moneys between  
funds.

Section 2. In order to reimburse the Motor License Fund or the General Fund, as the case may be, an amount equal to that transferred from such fund during any fiscal [biennium] *period* under section one of this act shall be transferred to such fund from the other fund [before] *not later than thirty days after* the end of such fiscal [biennium] *period*, in such amounts and at such times as the Governor shall direct. Such transfers shall be made by the State Treasurer upon warrant of the Auditor General upon requisitions of the Governor.

Retransfer not  
later than thirty  
days after end of  
fiscal period.

Section 2. This act shall take effect immediately.

Act effective  
immediately.

APPROVED—The 15th day of May, A. D. 1961.

DAVID L. LAWRENCE

No. 106

AN ACT

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its funds; and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created," further regulating payment of regular employes in order to be credited for service for pension.

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

Cities of second  
class.

Clause (2), section 9, act of May 25, 1933, P. L. 1050, amended December 18, 1959, P. L. 1934, further amended.

Section 1. Clause (2) of section 9, 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," amended December 18, 1959 (P. L. 1934), is amended to read:

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

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Contribution by individual employe.

(2) To contribute to said fund five 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 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 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.

Contribution by beneficiaries.

Receipts and disbursements of firemen's relief and pension fund.

Payment upon resignation or dismissal of member.

Payment upon death of member.

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

Payment upon death of beneficiary.

\* "deceased" in original.

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 weeks, or until the widow shall remarry, or until her death, whichever shall first occur.

Payment upon death in line of duty.

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 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. 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. 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.

Surviving children.

Regular employes shall serve at least fifteen days in each month and appear on [both semi-monthly] *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.

Service of regular members.

\* "monthly" omitted in original.

Effective date of  
payments.

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

Act effective  
immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 15th day of May, A. D. 1961.

DAVID L. LAWRENCE

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No. 107

AN ACT

Amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," providing for the transportation of poultry in crates.

The Penal Code.

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

Section 944, act  
of June 24, 1939,  
P. L. 872,  
amended.

Section 1. Section 944, act of June 24, 1939 (P. L. 872), known as "The Penal Code," is amended to read:

Section 944. Transporting Animals in Cruel Manner.—Whoever is arrested for carrying, or causing, or allowing to be carried in or upon any cart, or other vehicle whatsoever, any animal in a cruel or inhuman manner, or for abandoning any maimed, sick, infirm or disabled animal, the person taking him into custody may take charge of the animal and of any such vehicle and its contents, and deposit the same in some safe place of custody, and any necessary expenses which may be incurred for taking charge of and keeping the same, and sustaining any animal attached thereto, shall be a lien thereon, to be paid before the same can lawfully be recovered, or the said expenses or any part thereof remaining unpaid may be recovered by the person incurring the same of the owner of said creature in any action therefor.

*For the purposes of this section, it shall not be deemed cruel or inhuman to transport live poultry in crates so long as not more than fifteen (15) pounds of live poultry are allocated to each cubic foot of space in the crate.*

APPROVED—The 15th day of May, A. D. 1961.

DAVID L. LAWRENCE