

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.

(c) The word "pension" as used in this section shall be construed to mean the sum of the pension under the terms of this act, including the amount of service increments, if any, to which the deceased member of the fund would have been entitled had he retired upon the date of his death.

(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.

Section 9.4. Any member of the fund, within ninety days after the effective date of this amendment, or within ninety days of his appointment to the bureau of fire, may elect to be governed by the provisions of this amendment, *provided such election shall be in writing and that writing shall be filed with the secretary of the Firemen's Relief and Pension Fund.

Time and way to make election.

Section 9.5. Each member who elects to be governed under the provisions of this amendment shall agree to contribute one-half of one per centum of his rated monthly salary or wages in addition to all other required contributions as set forth in this act.

Agreement to added contribution.

Section 2. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 27th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 527

AN ACT

Amending the act of May 22, 1935 (P. L. 233), entitled "An act creating and establishing a fund for the care, maintenance, and

* "provide" in original.

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," providing pensions for surviving spouses under certain terms and conditions.

Cities of second class.

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

Act of May 22, 1935, P. L. 233, amended by adding four new sections 11.1, 11.2, 11.3 and 11.4.

Section 1. 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," is amended by adding, after section 11, four new sections to read:

Section 11.1. 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, 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 years prior to the date of retirement and the spouse is dependent upon such deceased employee 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.

(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 Police Pension Fund by the deceased employee, nor shall the children, parents or estate of the deceased employee be entitled to a refund of said contributions.

Section 11.2. (a) A surviving spouse of any active member of the Police Pension Fund who:

Surviving spouse entitled to benefits.

(1) at the time of his death was in active service with the city; and

(2) had elected to be governed by the provisions of this amendment; and

(3) had completed at least twenty years' service; and

(4) had attained the age of fifty years; 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 employee shall have been married to his spouse for not less than five years prior to the date of his death and that the spouse was dependent upon such deceased employee 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 payment 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.

(c) The word "pension" as used in this section shall be construed to mean the sum of the pension under the terms of this act, including the amount of service increments, if any, to which the deceased member of the Police Pension Fund would have been entitled had he retired upon the date of his death.

(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 Police Pension Fund by the deceased *employees, nor shall the estate of the deceased be entitled to a refund of said contributions.*

Time and way to make election.

Section 11.3. Any member of the Police Pension Fund, within ninety days after the effective date of this amendment, and any person hereafter joining the Police Pension Fund may within ninety days of joining the fund, elect to be governed by the provisions of this amendment, provided such election shall be in writing and that writing shall be filed with the secretary of the Police Pension Fund.

Agreement to added contribution.

Section 11.4. Each member who elects to be governed under the provisions of this amendment shall agree to contribute one-half of one per cent of his earned compensation in addition to all other required contributions as set forth in this act.

Act effective immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 27th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 528

AN ACT

Amending the act of June 22, 1931 (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act," changing or deleting certain routes and adding certain new routes.

State highways.

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

* "employees" in original.