

No. 2008-92

AN ACT

SB 1093

Amending the act of May 29, 1956 (1955 P.L.1804, No.600), entitled, as amended, "An act providing for the establishment of police pension funds or pension annuities in certain boroughs, towns and townships; authorizing the establishment of police pension funds or pension annuities by regional police departments; providing for the regulation and maintenance of police pension funds or pension annuities; 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," further providing for applicability of certain benefit provisions for certain beneficiaries; and making a related repeal.

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

Section 1. Section 1 of the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, amended April 17, 2002 (P.L.239, No.30), is amended to read:

Section 1. (a) (1) Each borough, town and township of this Commonwealth maintaining a police force of three or more full-time members and each regional police department shall, and all other boroughs, towns or townships may, 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, township or regional police department, 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.

(2) Such fund shall be under the direction of the governing body of the borough, town, township or regional police department, and applied under such regulations as such governing body, by ordinance or resolution, may prescribe for the benefit of such members of the police force as shall receive honorable discharge therefrom by reason of age and service, or disability, and may prescribe for the benefit (i) of surviving spouses, and if no spouse survives or if he or she survives and subsequently dies, then (ii) of child or children under the age of eighteen years or, if attending college, under or attaining the age of twenty-three years, of members of the police force or of members retired on pension.

(3) All such pensions as shall be allowed to those who are retired by reason of disabilities shall be in conformity with a uniform scale.

(4) The surviving spouse of a member of the police force or a **[member who] former member of the police force who, prior to April 18, 2002, retired on pension and dies subsequent to retirement or who, after April 16, 2002, retires on pension [who dies] and dies subsequent to retirement**, or if no spouse survives or if he or she survives and subsequently dies, then the child or children under the age of eighteen years or, if attending college, under or attaining the age of twenty-three years, of a member of the police force or a member who retires on pension who dies, shall, during her lifetime in the case of a surviving spouse or until reaching the age of eighteen years or, if attending college, under or attaining the age of twenty-three years in the case of a child or children, be entitled to receive a pension calculated at no less than fifty per centum of the pension the member was receiving or would have been receiving had he been retired at the time of his death.

(5) The surviving spouse of a member of the police force who dies before his pension has vested or if no spouse survives or if he or she survives and subsequently dies, the child or children under the age of eighteen years or, if attending college, under or attaining the age of twenty-three years, of the member of the police force shall be entitled to receive repayment of all money which the member invested in the pension fund plus interest or other increases in value of the member's investment in the pension fund unless the member has designated another beneficiary for this purpose.

(b) For purposes of this act, the phrase "attending college" shall mean the eligible children are registered at an accredited institution of higher learning and are carrying a minimum course load of seven credit hours per semester and the term "regional police department" shall mean a municipal police force organized and operated in combination by two or more municipalities through an intermunicipal agreement pursuant to 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation).

Section 2. The General Assembly finds and declares as follows:

(1) This act is intended to clarify the purpose of the act of April 17, 2002 (P.L.239, No.30), entitled "An act amending the act of May 29, 1956 (1955 P.L.1804, No.600), entitled, as amended, 'An act providing for the establishment of police pension funds or pension annuities in certain boroughs, towns and townships; authorizing the establishment of police pension funds or pension annuities by regional police departments; providing for the regulation and maintenance of police pension funds or pension annuities; 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,' further providing for benefits and for payment into police pension funds by members," to declare and affirm its applicability to the spouses and dependent children of police officers who had retired prior to the effective date of that act and who

subsequently died, as well as those who were deceased on the effective date of the act or who retired subsequently thereto.

(2) It is the manifest intent of the General Assembly that, insofar as the act of April 17, 2002 (P.L.239, No.30), affects the benefits payable to a surviving spouse or dependent child or children under section 1(a)(2) and (4) of the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, in addition to its prospective applicability, this act declares and affirms that the mandated benefit payments shall be payable to the surviving spouse of a member or to a dependent child or children, as applicable, regardless of whether the member retired or died on, before or after April 17, 2002, and further provided that the surviving spouse was not remarried as of April 17, 2002, or alternatively, to the deceased member's dependent child or children.

Section 3. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate this act.

(2) Section 4 of the act of April 17, 2002 (P.L.239, No.30), entitled "An act amending the act of May 29, 1956 (1955 P.L.1804, No.600), entitled, as amended, 'An act providing for the establishment of police pension funds or pension annuities in certain boroughs, towns and townships; authorizing the establishment of police pension funds or pension annuities by regional police departments; providing for the regulation and maintenance of police pension funds or pension annuities; 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,' further providing for benefits and for payment into police pension funds by members," is repealed.

Section 4. This act shall apply retroactively to April 17, 2002.

Section 5. This act shall take effect immediately.

APPROVED—The 8th day of October, A.D. 2008.

EDWARD G. RENDELL