

Any damages sustained by reason of taking property in the location, widening or construction of any such bridge, the approaches thereto, and connections with State highways, shall be ascertained in accordance with laws applicable to the ascertainment of damages in relocating, widening or constructing State highways, and such damages when ascertained shall be paid by the Commonwealth or county or counties as may be agreed upon in accordance with the laws relating to State highways.

The Department of Highways shall have authority to make and carry out and to do every other act necessary to carry out the project herein authorized.

Upon completion the Department of Highways has the responsibility of maintenance and reconstruction.

Section 3. After the completion of such bridge and the approaches thereto, they shall be reconstructed and maintained by the Department of Highways in accordance with present or future laws governing the reconstruction and maintenance of State highways.

Appropriation.

Section 4. So much of the money in the Motor License Fund from time to time as may be needed to carry out the provisions of this act, but not in excess of three million dollars (\$3,000,000), is hereby specifically appropriated to the Department of Highways for such purposes.

APPROVED—The 10th day of July, A. D. 1957.

GEORGE M. LEADER

No. 358

AN ACT

Amending the act of May 29, 1956 (P. L. 1804), entitled "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," extending the provisions of the act to certain additional political subdivisions, and changing the requirements for retirement, retirement benefits and payments required from the contributors.

Police pension in boroughs, towns and townships.

Sections 1, 3, 5, 6 and first paragraph section 12, act of May 29, 1956, P. L. 1804, amended.

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

Section 1. Sections 1, 3, 5, 6 and the first paragraph of section 12, act of May 29, 1956 (P. L. 1804), entitled "An act providing for the establishment of police pension funds or pension annuities in certain boroughs, towns and townships, and the regulation and mainte-

nance 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," are amended to read:

Section 1. Each borough, town and township of this Commonwealth maintaining a police force of [eight] *three* 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, devices 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, *or disability, and the families of such as may be killed in the service. All such pensions as shall be allowed to those who are retired by reason of disabilities shall be in conformity with a uniform scale.*

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] *twenty* years in the same borough, town or township and [a minimum age of sixty] *shall fix the age of the members of the force at sixty* years after which [members of the force] *they* 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.

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:

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. *In the case of the payment of pensions for permanent injuries incurred in service and to families of members killed in service, the amount and commencement of the payments shall be fixed by regulations of the governing body of the borough, town or township.*

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] *may* 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 *nor more than eight 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 contributions, 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 com-

panies 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.

Section 12. Subject to the provisions of section [six] *seven* 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] *of three* or more members, except that the benefits that have accrued under such acts, or parts of acts, shall continue notwithstanding such repeal:

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Section 2. This act shall take effect immediately but Effective date. no payments shall be made from the fund established by this act until January 1, 1958.

APPROVED—The 10th day of July, A. D. 1957.

GEORGE M. LEADER

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No. 359

AN ACT

Providing for the protection of the public safety by regulating the sale, offering or exposing for sale at retail, and the use of air rifles; defining air rifles; imposing duties on the Pennsylvania State Police, sheriffs, police officers and constables, and providing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: Air rifles, B-B guns, etc.

Section 1. As used in this act—

Definitions.

(1) "Air rifles" mean and include any air gun, air pistol, spring gun, spring pistol, B-B gun, or any implement that is not a firearm, which impels a pellet of any kind with a force that can reasonably be expected to cause bodily harm.

(2) "Municipalities" include cities, boroughs, incorporated towns and townships.