

Section 2. The first paragraph of section 5 of the act is amended to read:

First paragraph, section 5, act of May 23, 1945, P. L. 903, amended.

Section 5. The officers and employes of any city, creating such fund and board, shall, upon the acceptance of this act, pay unto said board monthly an amount equal to three (3) per centum of their monthly salaries or wages, *and if the council elects to make such payments, an additional amount not to exceed one per centum if deemed necessary by the council to provide sufficient funds for payments to widows of members retired on pension or killed in the service*, except as hereinafter provided concerning laborers, which shall be applied to the purpose of this act.

Monthly assessment.

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Section 3. Section 10 of the act amended September 29, 1951 (P. L. 1644), is amended to read:

Section 10, act of May 23, 1945, P. L. 903, amended September 29, 1951, P. L. 1644, further amended.

Section 10. The councils of the cities shall annually set aside, apportion and appropriate out of all taxes and income of such city unto the board, a sum sufficient to maintain the compensation due under this act, not, however, to exceed in any one year an amount in excess of the proceeds of one-half of one mill on the assessed valuation of the city for city purposes. *The council may exceed the limitations imposed by this section, if an additional amount is deemed necessary, to provide sufficient funds for payments to widows of members retired on pension or killed in the service.*

Appropriation from cities.

APPROVED—The 27th day of July, A. D. 1959.

DAVID L. LAWRENCE

No. 181

AN ACT

Amending the act of June 23, 1931 (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," authorizing payments to widows of policemen, firemen and employes retired on pension or killed in the service, and providing for an increase in contributions into the retirement fund if council elects to make such payments.

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

The Third Class City Code.

Section 1. Section 4301, act of June 23, 1931 (P. L. 932), known as "The Third Class City Code," reenacted and amended June 28, 1951 (P. L. 662) and amended January 18, 1951 (P. L. 2105), is amended to read:

Section 4301, act of June 23, 1931, P. L. 932, reenacted and amended June 28, 1951, P. L. 662, and amended January 18, 1951, P. L. 2105, further amended.

Section 4301. Police Pension Fund; Direction of.—Cities shall establish, by ordinance, a police pension fund,

to be maintained by an equal and proportionate monthly charge against each member of the police force, which shall not exceed annually three per centum of the pay of such member *and if council elects, by ordinance, to make such payments, an additional amount not to exceed one per centum if deemed necessary by the council to provide sufficient funds for payments to widows of members retired on pension or killed in the service*; which fund shall at all times be under the direction and control of council but may be committed to the custody and management of such officers of the city or citizens thereof, or corporations located therein, as may be designated by council, and applied, under such regulations as council may, by ordinance, prescribe, for the benefit of such members of the police force as shall receive honorable discharge therefrom by reason of age or disability *widows of retired members if council so elects* and the families of such as may be injured or killed in the service, but such allowances as shall be made to those who are retired by reason of the disabilities of age shall be in conformity with a uniform scale, together with service increments as hereinafter provided. Any compensation paid to a corporate custodian of the police pension fund shall be paid from the general fund of the city.

Section 4303, act of June 23, 1931, P. L. 932, amended by adding a new subsection (c).

Section 2. Section 4303 of the act is amended by adding, at the end thereof, a new subsection to read:

Section 4303. Allowances and Service Increments.—

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(c) *If council elects, by ordinance, to make such payments, the widow of a member who retires on pension or is killed in the service on or after January 1, 1960, shall, during her lifetime or so long as she does not remarry, be entitled to receive a pension calculated at the rate of 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.*

Sections 4320, 4321, 4322 and 4324, act of June 23, 1931, P. L. 932, reenacted and amended June 28, 1951, P. L. 662, further amended.

Section 3. Sections 4320, 4321, 4322 and 4324 of the act reenacted and amended June 28, 1951 (P. L. 662), are amended to read:

Section 4320. Firemen's Pension Fund; Management; Annuity Contracts.—Except as hereinafter provided, cities shall provide annuity contracts or establish, by ordinance, a firemen's pension fund, to be maintained in part by an equal and proportionate monthly charge against each member of the fire department, which shall not exceed annually three per centum of the pay of such member, *and if council elects, by ordinance, to make such payments, an additional amount not to exceed one per centum if deemed necessary by the council to provide*

sufficient funds for payments to widows of members retired on pension or killed in the service. In any case where there is an existing organization or association for the benefit of fully paid firemen, constituting and having in charge the distribution of firemen's pension funds, *no annuity contract shall be provided, nor shall any firemen's pension funds be established under the provisions of this section unless and until the members of such organization or association, by a two-thirds vote, elect to transfer said existing fund into the pension fund required to be established by this section.

All pension funds established under the provisions of this section shall be under the direction and control of a board of managers consisting of the mayor, the director of accounts and finance, the director of the department having charge of the fire department, or in cities where the mayor is also the director of the department having charge, of the fire department, then the director of public safety, the city controller and the chief of the bureau of fire, ex officio, and two members of the fire department to be chosen by the members of the fire department. Of the first managers so chosen by the members of the fire department one shall be chosen for a term of two years and one for a term of four years. Biennially thereafter one manager shall be chosen for a term of four years to take the place of the one whose term expires. In case of vacancy among the managers chosen by the fire department, a successor shall be chosen for the unexpired term. The fund shall be applied, under such regulations as the board of managers shall prescribe, for the benefit of such members of the fire department as shall receive honorable discharge therefrom by reason of service or age or disability, *widows of retired members if council so elects* 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 the disabilities or of service or age shall be in conformity with a uniform scale. Benefits allowed from such fund to families of such as are killed in service shall take into consideration the member's widow and his minor children under eighteen years of age, if any survive.

Section 4321. Retirement; Final Discharge.—Such regulations shall prescribe a minimum period of continuous service, not less than twenty-five years and a minimum age not less than fifty-five years, after which members of the department may be retired or elect to be retired on pension from active duty, and such members as are retired shall be subject to service, from time to time, as a firemen's reserve in cases of emergency until unfitted for such service, when they may be finally discharged by reason of age or disability. *Upon the*

* "on" in original.

death of a member who retires on pension or is killed in the service on or after January 1, 1960, payments as hereinafter provided may, if council so elects, be made to his widow during her life so long as she does not remarry.

Section 4322. Maximum Amount of Pension.—Payments of pensions shall not be a charge on any fund in the treasury of the city or under its control save the firemen's pension fund herein provided for. The basis of the pension of a member shall be determined by the monthly salary of the member at the date of retirement, whether for disability, or by reason of age or service, and shall be one-half the annual salary of such member at the time of retirement computed at such monthly rate. In the case of the payment of pensions to members for permanent injury incurred in service, and to families of members killed in service, the amount and commencement of the payment of pensions shall be fixed by regulations of the board, which shall take into consideration the amount and duration of workmen's compensation allowed by law. *If council elects, by ordinance, to make such payments to widows of members retired on pension or killed in the service on or after January 1, 1960, such payments shall be one-half of the amount payable to the member or which would have been payable had he been retired at the time of his death.*

Section 4324. Payments to Firemen's Pension Funds by City.—There shall be paid to the firemen's pension funds by every city annually, a sum of money not less than one-half of one per centum nor more than one per centum of all city taxes levied by the city, other than taxes levied to pay interest on or extinguish the debt of the city or any part thereof. *Council may exceed the limitations imposed by this section if an additional amount is deemed necessary to provide sufficient funds for payments to widows of members retired on pension or killed in the service.*

Section 4340,
act of June 23,
1931, P. L. 932,
amended August
17, 1951, P. L.
1251, further
amended.

Section 4. Section 4340 of the act, amended August 17, 1951 (P. L. 1251), is amended to read:

Section 4340. Pension Funds for Employes other than Police or City-Paid Firemen.—Cities may create a pension fund for the pensioning of employes of said cities who are not members of the police force or city-paid fire department thereof, *widows of retired members if council so elects* and the families of such as may be injured or killed in the service, in the manner, under the conditions and subject to the qualifications following. As used in this subdivision "employes" includes officers and officials of the city, whether elected or appointed.

Section 5. Section 4343 of the act is amended by adding, at the end thereof, a new paragraph to read:

Section 4343. Retirement Allowance; Proof of Disability.—

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If council elects, by ordinance, to make such payments, the widow of an employe who retired on pension or is killed in the service on or after January 1, 1960, shall, during her lifetime or so long as she does not remarry, be entitled to receive a pension calculated at the rate of fifty per centum of the pension the member was receiving or would have been entitled to had he been retired at the time of his death.

Section 6. Section 4344 of the act, reenacted and amended June 28, 1951 (P. L. 662), is amended to read:

Section 4344. Amount of Payments into Fund; Re-payment before Retirement.—The employes of any city, creating such pension fund and pension board, shall pay into the board of pensions monthly an amount equal to two per centum of their monthly salaries or wages, *and if council elects, by ordinance, to make such payments, an additional amount not to exceed one per centum if deemed necessary by council to provide sufficient funds for payments to the widows of members who were retired on pension or killed in the service, which shall be applied to the purposes of the fund.* Payment of the monthly amount or contribution herein mentioned shall cease and be discontinued at the time the beneficiary receives the pension herein provided. If for any cause any employe contributing to the pension fund shall cease to be an employe of the city before the said employe becomes entitled to a pension, the total amount of the contributions paid into the pension fund by such employe shall be refunded to him or her in full, without interest. If any such employe shall have returned to him or her the amount contributed as aforesaid, and shall afterward reenter the employ of the city, said employe shall not be entitled to the pension designated until twenty years after said reemployment, unless he or she shall return to the pension fund the amount withdrawn, in which event that period of twenty years shall be computed from the time said employe first enters the service of the city. In the event of the death of any such employe, before the said employe becomes entitled to the pension aforesaid, the said total amount of contributions paid into the pension fund by said employe shall be paid over to the estate of said deceased employe.

Section 7. This act shall take effect January 1, 1960.

APPROVED—The 27th day of July, A. D. 1959.

DAVID L. LAWRENCE

Section 4343, act of June 23, 1931, P. L. 932, amended by adding a new paragraph.

Section 4344, act of June 23, 1931, P. L. 932, reenacted and amended June 28, 1951, P. L. 662, further amended.

Act effective January 1, 1960.