

No. 52

AN ACT

Defining the kind of title cities of the second class shall acquire pursuant to the exercise of the power of eminent domain.

Section 1. Be it enacted, &c., That hereafter when any city of the second class shall acquire property for public purposes pursuant to any power conferred by any existing or future law, the title so acquired pursuant to the power of eminent domain shall be a fee simple title.

Cities of second class.

Title acquired by eminent domain.

APPROVED—The 26th day of April, A. D. 1933.

GIFFORD PINCHOT

 No. 53

AN ACT

To further amend sections four and five of, and to add section fourteen to, the act approved the twenty-eighth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, five hundred ninety-six), entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities, and regulating the administration and the payment of such pensions," by increasing the number of years of service of employes totally and permanently disabled to entitle them to pensions; by changing the rate per centum of payment by employes of their monthly salaries or wages, and changing the maximum payment to be made by such employes; and by giving the pension board of said cities the right to suspend payment of said pensions while such pensioners are employed by the government of the United States, or the Commonwealth of Pennsylvania, or the same county in which such cities are, or by any subdivision of such cities.

Section 1. Be it enacted, &c., That section four of the act, approved the twenty-eighth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, five hundred ninety-six), entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities, and regulating the administration and the payment of such pensions," as last amended by section two of the act approved the twelfth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, five hundred fifty), is hereby further amended to read as follows:

Cities of second class.

Pensions.

Section 4, act of May 28, 1915 (P. L. 596), as last amended by act of June 12, 1931 (P. L. 550), further amended.

Section 4. During the lifetime of the said person, he or she shall be entitled to receive a pension from the fund set aside for the purpose, fifty per centum of the amount which would constitute the average rate of pay at which he or she was employed during the last five years of his or her employment by the said city. Said pension shall be paid in monthly payments: Provided, That if any pension be granted to a person who has not

Amount of pension.

Proviso.

Persons leaving service before retirement age.

Total disability after 15 years' service.

Proof.

Physician's statement.

Medical examination.

Limit of payment.

Section 5, as last amended by act of March 31, 1927 (P. L. 89), further amended.

Monthly payments by employees.

been a contributor to the pension fund as herein provided, during a period of twenty years, such person shall be required to pay unto the board of pensions monthly an amount equal to not less than two nor more than [three] *four* per centum of his or her pension until such time as his or her contribution shall have extended during a period of twenty years. Should any person so employed, after twenty years of service, be dismissed, voluntarily retire, or be in any manner deprived of his or her position or employment before attaining the age fixed for retirement by this act, upon continuing a monthly payment to the fund equal to the last amount due and paid monthly while in active service, said person shall be entitled to the pension above mentioned, notwithstanding he or she has not attained the age for retirement at the time of his or her separation from the service of such city; but said pension shall not commence until he or she has attained such age. Should any employe, however, become totally and permanently disabled after [ten] *fifteen* years of service, he or she shall be entitled to the said pension: Provided, That if any employe who has served less than [ten] *fifteen* years becomes totally and permanently disabled by reason of injury sustained in the actual performance of duty, such employe shall be entitled to the said pension. Proof of total and permanent disability shall consist of the sworn statement of three practicing physicians, designated by the board, that the employe is in a permanent condition of health which would totally disable him or her from performing the duties of his or her position or office. Once a year the board of pensions may require a disability pensioner to undergo a medical examination by three physicians appointed by the board, and should such physicians thereupon report and certify to the board that such beneficiary is no longer incapacitated and should the pension board concur in such report the pension to such beneficiary shall be discontinued. The pension paid to any one employe shall not exceed one hundred and twenty-five dollars per month and shall not be computed on rate of pay in excess of two hundred and fifty dollars per month.

Section 2. That section five of said act, as last amended by section two of the act approved the thirty-first day of March, one thousand nine hundred and twenty-seven (Pamphlet Laws, eighty-nine), is hereby further amended to read as follows:

Section 5. The city employes shall, after the passage of this act, pay unto the board of pensions monthly an amount equal to not less than two nor more than [three] *four* per centum of their monthly salaries or wages, as fixed by the board of pensions; in no event, however, paying at a rate greater than [seven dollars and fifty cents] *ten dollars* per month, which shall be applied to the purposes of this act. Payment of the monthly

amount or contribution herein mentioned shall cease and be discontinued at the time the beneficiary received the pension herein provided if such beneficiary has so contributed to the pension fund during a period of twenty years. If at the time the beneficiary received the pension herein provided he or she shall not have been a contributor to the pension fund during a period of twenty years, such person shall be required to pay unto the board of pensions an amount equal to not less than two nor more than [three] *four* per centum of his or her monthly pension until such time as his or her contributions shall have extended during a period of twenty years. If, for any cause, an employe contributing to the pension fund shall cease to be an employe of any such cities of the second class before said employe becomes entitled to the pension conferred by this act, the total amount of the contributions paid unto the pension fund by such employe shall be refunded to him or her in full without interest: Provided, however, If any such employe shall have returned to him or her the amount contributed, as aforesaid, and shall afterwards reënter the employ of such city, said employe shall not be entitled to the pension designated until twenty years after said reëmployment, unless he or she shall return to the pension fund the amount withdrawn; in which event the period of twenty years shall be computed from the time the said employe first entered the service of said 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 aforesaid shall be paid over to the estate of the said deceased employe or to his or her heirs.

If a contributor for 20 years.

If not a contributor for 20 years.

Refund of contributions on leaving service.

Proviso.

Death of employe.

Section 14 added.

Suspension of pension payments.

Constitutionality.

Section 3. That said act is hereby amended by adding thereto section fourteen, to read as follows:

Section 14. If a pensioner of the cities of the second class shall or may hereafter be employed by the government of the United States, or the Commonwealth of Pennsylvania, or the same county in which such cities are, or by any subdivision of such counties, then such pension board of said cities of the second class shall have, and is hereby given, the authority to suspend the pension payments to such pensioner during the period of such employment.

Section 4. The provisions of this act shall be severable, and if any of the provisions thereof shall be held to be unconstitutional, the decision so holding shall not be construed to affect or impair any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein.

Approved—The 26th day of April, A. D. 1933.

GIFFORD PINCHOT