

known as active depositories, and to be used for the purpose above mentioned.

(d) To see that no bank, banking institution, or trust company, except those designated as active depositories, shall receive a deposit of State moneys in excess of twenty-five per centum of its paid-in capital and surplus, or have, at any one time, an aggregate of deposits in excess of five hundred thousand dollars.

(e) To see that the combined deposits in the active depositories shall not exceed, at any time, such total sum as it shall, by resolution have prescribed.

(f) In case it is of the opinion that the credit of any depository is impaired, the safety of the State deposits imperiled, or for any other cause whatsoever, to require the State Treasurer to reduce, change, or wholly withdraw, within thirty days, any deposit or deposits held by any such depository of State moneys.

(g) Whenever it is considering applications for State deposits, to invite the Secretary of Banking to sit with and advise the board. The secretary shall, however, not vote on any question coming before the board.

Section 2. All acts, and parts of acts, inconsistent herewith are hereby repealed. Repealing section.

Section 3. This act shall become effective immediately upon final enactment. When effective.

APPROVED—The 22d day of May, A. D. 1935.

GEORGE H. EARLE

—
No. 99

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.

Section 1. Be it enacted, &c., That there is hereby created and established, in every city of the second class in this Commonwealth, a fund for the care, maintenance, and relief of aged, retired, and disabled employees of the Bureau of Police of such city, which fund shall be known

Cities of the second class.

Relief fund.

as the "Policemen's Relief and Pension Fund of the City of

Sources of money for the fund.

Section 2. Such fund shall consist of, and to it shall be transferred and paid—

(1) All disciplinary fines imposed upon the policemen of such city.

(2) The income from any and all trust funds which may hereafter be established by gift for the benefit of such persons as are eligible to be beneficiaries under this fund.

(3) The dues of the members of the fund as hereinafter stipulated.

(4) All donations of money, from whatever source, which shall be made to the fund.

(5) All monies heretofore required to be paid by cities of the second class to the organization or association, constituting and having in charge the distribution of police pension funds in such cities.

(6) Sums to be annually paid into said fund by each city of the second class, in amounts sufficient to maintain the pensions or compensations due under this act. The public authorities of every city of the second class, charged with the disbursements, expenditures, and appropriations thereof, shall annually set aside, apportion, and appropriate out of all taxes and income of the said cities unto the fund hereby created, a sum sufficient to maintain the pensions or compensations due under this act, and to carry out the provisions of this act.

Board of managers.

Section 3. There is hereby created for the care, management, and control of such fund, a board of managers, consisting of eleven members, to be known as the "Policemen's Pension Fund Board of the City of

Personnel of the board.

....." The personnel thereof shall be as follows: the president of council, the city controller, and the director of the department of public safety, who shall be ex-officio members, and eight elective members from among the following classes of the members and beneficiaries of such fund: One member to be elected from among the inspectors, captains, and lieutenants of both police and detectives, one member to be elected from among the sergeants and detectives, two members to be elected from among the beneficiaries of the fund, and four members to be elected from among the active members of the fund, who are of the rank and file and not classified in any of the foregoing groups.

The first board of managers, the members of which shall hold office until the first day of February, one thousand nine hundred and thirty-six, shall consist of those persons, who at the effective date of this act, shall be the members of the board of directors or managers of the organization or association, which is designated as the official and authorized organization or association to hold, receive, and distribute the funds, for the purpose

of pensioning the police officers of said cities of the second class under the provisions of the act of Assembly of April fifth, one thousand nine hundred and seventeen (Pamphlet Laws, thirty-nine).

The board is hereby authorized to make and establish such rules and regulations for the care, management, and operation of the fund, created by this act, as shall not be inconsistent with the provisions of this act. **Rules.**

Section 4. Elections of the eight elective members of the board shall be held annually on the second Monday of January of each year, beginning with the year one thousand nine hundred and thirty-six, and the said members, so elected, shall take office on the first day of February, following their elections. **Elections.**

Vacancies among the elective members of the board shall be filled by the board at its next meeting, for the unexpired term. **Vacancies.**

The time and place of holding the annual elections shall be designated and fixed by the board, herein created.

Section 5. The president and the vice-president of the board shall be elected by the members of the board. The board shall elect a secretary-treasurer from the members of the fund, and may elect, or appoint, a solicitor and such other employees as the board may deem necessary, and shall fix the salary or compensation of all officers and employees elected, or appointed, by the board. **Officers.**

Section 6. The president shall preside at all meetings of the board. He shall sign all necessary papers, approved by the board, requiring his signature, and perform such other duties as may be required by his office. **President.**

The secretary-treasurer shall keep minutes of all meetings of the board, receive and receipt for all payments to the fund, and keep accurate accounts between the fund and its members. All checks shall be signed by the secretary-treasurer and countersigned by the president or vice-president of the board. **Secretary-treasurer.**

The board shall hold regular monthly meetings at a time and place to be fixed by the board. Special meetings of the board shall be called by the president whenever he deems it necessary, or upon written request of five members of the board, or twenty-one members of the fund. **Meetings.**

Section 7. The board shall designate and choose the bank or banks, trust company or trust companies, in such city, in which the monies of the fund shall be deposited. **Banks.**

The board may invest the monies of the fund in such State, county, or municipal bonds of the State of Pennsylvania, or in bonds of the United States Government, as they may deem to the best interest of the fund. The accounts of the fund shall be audited annually by the city controller, or oftener if the board requests the same. **Investments.**

to be done, and a copy of the audit shall be furnished to the council of the city and copies to the members of the board.

**Membership
of fund.**

Section 8. The membership of the fund shall consist of—

(1) All persons who shall, after the effective date of this act, become employees of the Bureau of Police as uniformed policemen or as detectives, including all substitute uniformed employees of the Bureau of Police, superintendent of police, assistant superintendent of police, inspector of police, inspector of traffic, inspector of detectives, captain of police, captain of detectives, lieutenant of police, lieutenant of detectives, lieutenant of traffic, lieutenant of motorcycles, detective, sergeant of police, turnkey, patrolman, cornerman, motorcycle patrolman, radio patrolman, morals court officer, traffic court officer, and precinct detectives: Provided, That the membership of any person, who shall become a member of the fund under and by virtue of the provisions of this sub-section, shall be in no way affected or impaired by the fact that he thereafter becomes a chief Bertillon operator or Bertillon operator who shall have come from the ranks: And provided further, That membership under this sub-section shall exist solely by virtue of the provisions of this sub-section and without the making of any application.

(2) Each present employee of the Bureau of Police, as classified by part (1) of this section, who at the effective date of this act, is a member of any Employees' Pension Fund, created under the act of May twenty-eight, one thousand nine hundred and fifteen (Pamphlet Laws, five hundred ninety-six) if, and only if, he elects to withdraw and resign from the said Employees' Pension Fund and to apply for membership in the fund created by this act.

(3) Each person, who at the effective date of this act, is a member of any other association, corporation, or fund in the same city, constituted for and having in charge, the distribution of police pension funds, but to whom a pension has not yet been granted by said other association, corporation, or fund, if, and only if, he waives his right to receive any other pension than a death benefit from the said other association, corporation, or fund, and applies for membership in the fund created by this act, and assigns to the fund created by this act, whatever amount of his contributions to the said other association, corporation, or fund, of which he is a member at the effective date of this act, he is permitted to withdraw from the said association, corporation, or fund by the laws and rules thereof now, or hereafter, in effect.

(4) Each member of any other association, corporation, or fund in the same city, existing or created for purposes similar to the purposes of the fund created by

this act, to whom, prior to the effective date of this act, a pension has been granted by the said other^a association, corporation, or fund, and who has not forfeited his right to receive the said pension, whether at the effective date of this act he is receiving the said pension or not, if, and only if, he waives his right to receive from the said other association, corporation, or fund any other pension than a death benefit, and applies for membership in the fund created by this act. The waiver, in such case, is only to take effect, as of the date that the member first receives pension payments from the fund created by this act.

Section 9. The forms for application for membership, required under sub-sections (2), (3), and (4) of section 8 hereof, shall be determined by the board of managers. These forms shall include the waivers and assignments, required under the provisions of section 8 hereof. Upon the filing with the secretary-treasurer of the fund of an application, properly filled out and executed on the form prescribed by this section, an applicant shall automatically become a member of the fund created by this act.

Applications.

Section 10. Each member in active service shall be required—

(1) To contribute to said fund three per centum of his rated monthly salary or wages, which shall be deducted from his salary or wages, by the city controller from the payroll for the last half of each month, and paid into the fund.

(2) Substitute employees of the Bureau of Police, as classified under sub-section (1) of section 8 hereof, shall be credited for pension and paid on the basis of actual days served in the Bureau of Police.

(3) Regular and substitute employees shall serve at least one day in each month in order to be credited for one month's service for pension under this act.

Section 11. When any member of the fund shall resign or be dismissed from service, or shall die while in active service, there shall be paid to him or to his executor or administrator, if his service has been terminated by death, from the fund, all dues paid by him into the fund without interest, and all monies which the fund may have received under any assignment made by the said member to the fund at the time of his admission to membership, under the provisions of sub-section (3) of section 8 hereof.

Amount payable where member dies or resigns or is dismissed.

Section 12. A member of the fund, who has severed his connection therewith and has subsequently again become a member thereof, shall be required to pay a re-admission fee of \$5.00 and to return to the fund, such monies as were paid to him from the fund when his membership in the fund was terminated.

Rules governing reinstated members.

Such re-admission fee and refund shall be collected from the monthly salary or wages of the reinstated member over the period of a year, in the manner provided for in sub-section (1) of section 10 hereof, or in such manner and period as the board of managers may determine. Full payment thereof shall be a condition precedent to the member being eligible to receive the benefits of the fund.

If, however, any such reinstated member shall be injured in the line of duty before he shall have made such full restitution, and if the disability caused by such injury shall continue beyond the period during which compensation shall be paid to him, under the provisions of the Workmen's Compensation Act of Pennsylvania, he shall be eligible to pension under this act; but any amount, in which he shall have been indebted to the fund at the date of his injury, shall be repaid, if the board, in its discretion, shall so require, in such monthly payments as said board may determine, which amounts shall be deducted from his pension, as and when monthly payments thereof shall be made.

Who may be
admitted to
membership.

Section 13. Members of the fund shall be eligible to receive pensions from said fund as follows—

(1) A member, who has been admitted into membership under the provisions of sub-section (4) of section 8 hereof, shall at once and automatically be entitled to receive a pension as hereinafter stipulated.

(2) A member, who has been admitted to membership in this fund within sixty days from the effective date of this act, under the provisions of sub-section (2) or sub-section (3) of section 8 hereof, shall be entitled to receive a pension from this fund, upon written application of such member, stating his desire to withdraw from service in said city, or that his employment by the said city has been terminated, and showing that such member has rendered at least twenty years' service to the said city, at least one year of which was immediately prior to his application; but which need not have been otherwise continuous service. Such service shall total twenty years and shall include service in the armed forces of the United States in times of war: Provided, That the board of managers, for good cause shown to their satisfaction, may permit a member, who has been admitted to membership more than sixty days after the effective date of this act, to go on pension upon filing a written application, containing the statements prescribed by this sub-section.

(3) Any member, who has become a member of this fund, under the provisions of sub-section (1) of section 8 hereof, or who has been admitted to membership under the provisions of sub-section (2) or sub-section (3) of section 8 hereof, more than sixty days after the effective date of this act, shall be entitled to receive a pension

from said fund, upon written application of such member, stating his desire to withdraw from service in said city or that his employment by the said city has been terminated, and showing that such member has attained the age of fifty-five years and has rendered at least twenty-five years' service to the said city, at least one year of which was immediately prior to his application; but need not have been otherwise continuous service. Such service shall total twenty-five years and shall include service in the armed forces of the United States in times of war.

(4) Any member, who, while a member of the fund, is injured in the line of duty and disabled through such injury, shall be entitled to receive a pension from the fund created by this act, upon written application of such member, stating such facts and further showing that such disability continues, and that the applicant is no longer entitled to payments from the city under the provisions of the Workmen's Compensation Act and its amendments. Upon approval by the board, such member of the fund shall become a beneficiary thereunder.

Section 14. Beneficiaries under said fund shall be rated and classified, and shall be entitled to receive from the fund per month the amounts indicated in the following table, to-wit: Classification.

Classification.	Monthly Payments.
Superintendent of Police	\$125.00
Assistant Superintendent of Police	115.00
Inspector of Police	100.00
Inspector of Traffic	100.00
Inspector of Detectives	100.00
Captain of Detectives	95.00
Captain of Police	95.00
Lieutenant of Detectives.	95.00
Lieutenant of Police	90.00
Lieutenant of Traffic	90.00
Lieutenant of Motorcycles	90.00
City Detective	90.00
Sergeant of Police	85.00
Chief Bertillon Operator	85.00
Turnkey	85.00
Patrolman	80.00
Cornerman	80.00
Motorcycle Patrolman	80.00
Morals Court Officer	80.00
Traffic Court Officer	80.00
Precinct Detective	80.00
Bertillon Operator	80.00
Radio Patrolman	80.00

The pensions for members holding positions, not included in the above table, shall be rated, classified, and determined by the board of managers, in amounts proportionate to the pensions listed in the above table.

No pension shall be granted or paid to any member, based on the rank or position which he holds at the time of making application for pension, unless he has held such rank or position for a period of one (1) year prior to the date of making such application.

The first pension payments to be made, under this act, shall be those for the month of October, one thousand nine hundred and thirty-five, which shall be payable on the third working day of November, one thousand nine hundred and thirty-five. Pension payments thereafter shall always be payable on the third working day of each month, and shall be for the preceding month.

Revocation of membership.

Section 15. If any beneficiary of the fund shall be awarded a pension, and shall thereafter be convicted of felony or shall become an habitual drunkard or shall cease to care for and support his wife and family; then, and in any such case, the board shall have power by a two-thirds vote to revoke the pension or to suspend the payment thereof, or to direct payment of the pension to the family of such beneficiary, and in such case, the family shall be considered the beneficiary within the meaning of section 18 hereof.

Section 16. Any beneficiary of the fund who may obtain employment in the service of the city itself or county or State, or any political sub-division thereof, shall suffer suspension of his pension from the fund during the time of such employment.

Section 17. The provisions of this act, so far as they are the same as those of existing laws, are intended as a continuation of such laws and not as new enactments.

Pension not subject to levy, attachment, etc.

Section 18. The compensation or pension, herein provided for, shall not be subject to attachment, execution, levy, garnishment, or other legal process, and shall be payable only to the beneficiary, designated by this act, in person and shall not be subject to assignment or transfer.

Constitutional provision.

Section 19. 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 herein.

Repealing section.

Section 20. The following acts, and parts of acts of Assembly, are repealed so far as they apply to cities of the second class, viz.,

An act entitled, "An act to empower boroughs and cities to establish a police pension fund to take property in trust therefor; and regulating and providing for the regulation of the same," approved the 24th day of May, one thousand eight hundred and ninety-three (Pamphlet Laws, one hundred twenty-nine).

An act entitled, "An act to amend section one of the act, approved the twenty-fourth day of May, one thousand eight hundred and ninety-three (Pamphlet Laws, one hundred twenty-nine), entitled 'An act to empower boroughs and cities to establish a police pension fund; to take property in trust therefor; and regulating and providing for the regulation of the same,' directing the establishment of such funds by cities," approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred seventy-two).

Section 21. This act shall take effect on the first day of September, one thousand nine hundred and thirty-five. When effective.

APPROVED—The 22d day of May, A. D. 1935.

GEORGE H. EARLE

—
No. 100

AN ACT

To amend section five hundred and fourteen of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing, or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," permitting the tapping of water lines of State institutions and sanatoria in order to supply water to communities in proximity thereto.

Section 1. Be it enacted, &c., That section five hundred and fourteen of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of

Administrative
Code of 1929.

Section 514, act
of April 9, 1929
(P. L. 177),
as amended by
act of June 1,
1931 (P. L.
350), further
amended.