

No. 242

AN ACT

Creating and establishing a fund for the care, maintenance, and relief of aged, retired and disabled employes of the bureau of fire in cities of the second class; creating a board for the management thereof; providing the mode and manner of payment to beneficiaries, and for the care and disposition of its funds; and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created.

Cities of second class.

Firemen's Relief and Pension Fund.

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 firemen in the bureau of fire of such city, which fund shall be known as the "Firemen's Relief and Pension Fund of the City of"

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

(1) All moneys and securities held by similar boards existing by virtue of any law or ordinance in such city, which fund or funds were held for purposes similar to the purpose of the fund created by this act with respect to the city employes covered by the provisions of this act.

(2) All fines imposed upon the firemen of such city, which, by virtue of any law or ordinance referring to such city, are required to be paid by the proper authorities to a fund of this nature.

(3) All donations of money from whatever source which have been or shall be made to the fund.

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

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

(6) Such moneys as the city shall pay into the fund from time to time, as provided by ordinance, and as may be necessary 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 twelve members, to be known as the "Firemen's Relief and Pension Fund Board of the City of" The personnel thereof shall be as follows: The mayor or chief executive, the president of council, the city solicitor, the city controller, the director of the department of public safety, and the chief of the bureau of fire, who shall be ex officio members, and six elective members from among the following classes of the members and beneficiaries of such fund: One member to be elected from among the deputy chiefs, battalion chiefs, captains, and lieutenants; three members to be elected from among the other members of the fund; and

two members to be elected by the beneficiaries of the fund.

Section 4. Elections of representatives of the board shall be held annually on the second Monday of December, except that a special election of such representatives shall be held within ten days following the effective date of this act; the time and place for holding of which special election shall be fixed by the existing board in such city. The time and place of holding the annual elections thereafter shall be designated and fixed by the board herein created.

Elections of representatives.

If any member of the board shall resign or be dismissed from the service, or shall change from the classification under which he was elected, he shall immediately cease from being a member of the board.

In case of a vacancy caused by whatever means among the elective members of the board, such vacancy shall be filled by the board at its next meeting for the unexpired term.

Vacancies.

Section 5. The director of the department of public safety shall be the president of said board; the chief clerk of the department of public safety shall be the secretary of said board, for the performance of which services he shall be paid the sum of fifty dollars per month; and the city solicitor shall be the attorney and legal counsel of said board, but shall receive no additional compensation therefor.

Officers.

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

Duties of president.

The secretary shall keep minutes of all meetings of the board, receive and receipt for all payments to the fund, and keep accurate account between the fund and its members. All checks shall be signed by the secretary and countersigned by the president of the board.

Duties of secretary.

There is hereby provided an account for the secretary to meet the small expenditures as may arise by the meetings of the board. The secretary shall be responsible for the proper disposition of such account.

Expense account.

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 seven members of the board or twenty-one members or beneficiaries of the fund.

Meetings of board.

Section 7. The board shall designate and choose such bank or banks, trust company or trust companies, in such city, in which the moneys of the fund shall be deposited, and such bank or banks, trust company or trust companies, shall be selected annually after the board shall have received written proposals as to the rate of interest which shall be paid on such deposits, and the bank or

Selection of depository.

banks, trust company or trust companies, offering to pay the highest rate of interest shall be chosen as the depository or depositories of the fund if the board be satisfied of the soundness of such institution or institutions.

Sinking fund.

The board shall create and establish a sinking fund into which shall be paid all moneys remaining to the credit of the fund and the depositories of the fund on the first day of each year and after all claims and running expenses of the prior year have been paid; and the moneys in the sinking fund shall not be used for any purpose excepting by a two-thirds vote of the board, but the interest accruing on the moneys in such sinking fund may be used for the payment of the necessary expenses for the operation of the fund.

Use of moneys.

Investment of funds.

The board may invest the moneys of the fund and of the sinking 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 respective funds. All such investments shall be made in the name of the respective fund. The accounts of the fund shall be audited annually by the city controller, or oftener if the board requests the same to be done, and a copy of the audit furnished to the council of the city.

Audit.

Membership in fund.

Section 8. Those eligible to membership in the fund shall be:

(1) All uniformed employes of the bureau of fire, including the commanding officer and the chief of the bureau.

(2) All substitute uniformed employes of the bureau of fire.

(3) All persons who are at present members of the existing fund in such city. Employes of the bureaus of electricity and building inspection in such city who have entered such service since the first day of July, one thousand nine hundred and eighteen, shall not be eligible to be members of such fund.

Section 9. Any individual eligible to membership in such fund, as aforesaid, shall be required—

Agreement to be signed by member.

(1) To sign an acceptance of the provisions of this act, which acceptance shall contain an agreement, on the part of the one so signing, that, upon resignation or dismissal from the employ of said bureau of fire, he shall thereby relinquish and forfeit all rights to participate in said fund; and no employment shall be granted an applicant to a position which would make him eligible as a member of said fund until such acceptance and agreement is signed by him.

Contributions.

(2) 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. In addition, such member shall contribute the sum of one dollar to the beneficiary of a de-

ceased member of the fund, which amount, in the case of an active member, shall be deducted in the month following the death of such member by the city controller from the payroll for the last half of each month, and, in the case of a pensioner, shall be deducted from the amount paid each pensioner by the secretary of the fund in the month following the death of such member, and paid into the fund.

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. Substitute employes of the bureau of fire shall be credited for pension, and pay on the basis of actual days served in the bureau of fire. Regular and substitute employes shall serve at least fifteen days in each month and appear on both semi-monthly payrolls of said bureau of fire in said month in order to be credited for one month's service for pension under this act.

Section 10. A member of the fund who has severed his connection therewith and has subsequently again become eligible for membership therein shall, in addition to a readmission fee of five dollars, be required to return to the fund such dues as were repaid to him from the fund when his membership in the fund was severed.

Such refund shall be collected from the monthly salary or wages of the reinstated member over the period of a year, and full payment thereof shall be a condition precedent to the member being eligible to the benefits of the fund.

If, however, any such reinstated member shall be injured in line of duty before he shall have made such full restitution and before the expiration of the one year period, 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 to 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.

Section 11. Members of the fund shall be eligible to pension under said fund upon written application of such member, stating his desire to withdraw from service in said city, which application shall show either—

(1) That such employe 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 does not otherwise necessitate continuous service but that such service shall total twenty years, and shall include

Return of dues in case of resignation, dismissal or death.

Refund of returned dues in case of subsequent eligibility.

Application to become beneficiary of fund.

and may include service in the armed forces of the United States in times of war or active service in the Pennsylvania State Militia when said militia has been mobilized for internal police duty; or

(2) That such applicant, while a member of the fund, was injured in the line of duty and disabled through such injury, 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 the approval by the board, such member of the fund shall become a beneficiary thereunder.

Section 12. 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	Composed of	Monthly Payments
I. Chief	Bureau of Fire	\$150.
Superintendent	Bureau of Electricity	
II. Deputy Chiefs	Bureau of Fire	\$125.
Deputy Superintendents ...	Bureau of Electricity	
III. Battalion Chiefs	Bureau of Fire	\$105.
Chief Inspectors	Division of Fire Prevention	
Chief Wiring Inspectors ...	Bureau of Electricity	
IV. Training School Instructors.	Bureau of Fire	\$97.50
V. Captains	Bureau of Fire	\$95.
Assistant Engineers	Bureau of Electricity	
Supervisors of Construction.	Bureau of Electricity	
Fire Alarm Operators	Bureau of Electricity	
VI. Lieutenants	Bureau of Fire	\$90.
Engineers	Bureau of Fire	
Pumpmen	Bureau of Fire	
VII. Drivers	Bureau of Fire	\$85.
Electric Wiring Inspectors .	Bureau of Building Inspection	
VIII. Hose and Laddermen	Bureau of Fire	\$80.
Aides	Bureau of Fire	
Assistant Engineers	Bureau of Fire	
Fire Alarm Box Inspectors .	Bureau of Electricity	
Police Box Inspectors	Bureau of Electricity	
Instrument Repairmen	Bureau of Electricity	
Battery men	Bureau of Electricity	
Line Foreman	Bureau of Electricity	
Lineman	Bureau of Electricity	
Inspector	Bureau of Fire	
Inspector	Division of Fire Prevention	

No application to become a beneficiary of the fund shall be filed or accepted until thirty days after the effective date of this act. It is further provided that any member making such application, who thereafter withdraws the same, shall not be permitted to file a new application until one year after the date of the first application.

Section 13. If any beneficiary of the fund shall be awarded a pension and shall thereafter be convicted of felony, or shall become a habitual drunkard, or shall

Classification and monthly payments.

Revocation or suspension of pension.

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.

Section 14. Any beneficiary of the fund who may obtain employment in the service of the United States Government, or the State of Pennsylvania, or the county wherein said city is situate, or of the city itself, shall forfeit his pension from the fund during the time of such employment.

Forfeiture of pension.

Section 15. 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.

Intention of act as to existing laws.

Section 16. This act shall take effect on the first day of January, one thousand nine hundred and thirty-four.

Effective date.

APPROVED—The 25th day of May, A. D. 1933.

GIFFORD PINCHOT

No. 243

AN ACT

To amend clause (d) as amended of section fifty-nine of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws, four hundred forty-seven), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; re-funding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases, and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by providing for the action by the natural guardian, or the person by whom the minor is maintained, for the minor, upon leave of