

## No. 71

## AN ACT

To further amend the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-three (Pamphlet Laws 1050), entitled "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its funds; and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created," by changing the compensation of the secretary-treasurer of the board, and changing the amounts of contributions by members to the fund, and changing the amounts of payments to beneficiaries.

Cities of second class.

Section 5, act of May 25, 1933, P. L. 1050, as last amended by act of July 1, 1937, P. L. 2635, further amended.

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

Section 1. Section five of the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-three (Pamphlet Laws 1050), entitled "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its funds; and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created," as last amended by the act, approved the first day of July, one thousand nine hundred thirty-seven (Pamphlet Laws 2635), is hereby further amended to read as follows:

Officers.

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-treasurer of said board, for the performance of which services he shall be paid the sum of [seventy-five] *one hundred 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. The board shall elect from among its members a vice president, who shall serve without compensation and shall perform the duties of the president during his absence.

Clause 2 of section 9, and section 12, said act, as last amended by act of May 13, 1949, P. L. 1328, further amended.

Contributions.

Section 2. Clause two of section nine, and section twelve of said act, as last amended by the act, approved the thirteenth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1328), are hereby further amended to read as follows:

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

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(2) To contribute to said fund *in accordance with his classification in the amounts indicated in the following schedule, to-wit: Chief, Deputy Chiefs, Battalion Chiefs, and Chief of River Patrol of the Bureau of Fire, and the Superintendent, Deputy Superintendents, Chief Inspectors, and Chief Wiring Inspectors of the Bureau of Electricity, five per centum of the rated monthly salary or wages of the Battalion Chief of the Bureau of Fire; all other classifications, five per centum of his rated monthly salary or wages.* [, which] *All of said contributions from each individual 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. All beneficiaries of the fund shall, in addition thereto, pay the sum of one dollar a month into the said fund, and in the case of active members, the city controller shall deduct said contribution from the payroll of the last half of each month and the secretary of the fund shall deduct the sum of one dollar from the pension paid each pensioner. The amount so collected shall be paid into the firemen's relief and pension fund, and out of the funds of the firemen's relief and pension fund there shall be paid to the beneficiary of any deceased member of the fund, the sum of one thousand two hundred dollars.*

When any member of the fund shall resign or be dismissed from service there shall be paid to him from the fund a sum of money equal to all dues paid by him into the fund, without interest. When any member of the fund shall die in active service there shall be paid from the fund a sum of money equal to all dues paid by him into the fund, without interest, to his widow, if there be such widow, or in the absence of such widow to such person or persons as he shall have designated on a form prepared and approved by the board for such purpose, or in the absence of such widow and such designation to his estate. When any beneficiary shall die before he has received pension payments equal in amount to his total contributions to the fund, there shall be paid a sum of money equal to the difference between the amount of his said contributions and the amount he shall have received as pension payments, without interest, to his widow, if there be such widow, or in the absence of such widow to such person or persons as he shall have designated on a form prepared and approved by the board for such purpose, or in the absence of such widow and such designation to his estate. Regular 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. In the event, however, that

Return of dues paid into fund in case of resignation or dismissal.

Return of dues paid into fund in case of death.

Regular employes.

such regular employe served one or more days in any month while serving as a substitute employe prior to becoming a regular employe, such regular employe shall be given a full month's credit for the day or days in every month so served as a substitute: Provided, That the dues for each month so credited are paid in full.

Classification and monthly payments.

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	[\$150.00]	\$175.00
	Superintendent .....	Bureau of Electricity		
II.	Deputy Chiefs .....	Bureau of Fire	[\$130.00]	\$165.00
	Deputy Superintendents .....	Bureau of Electricity		
III.	Battalion Chiefs .....	Bureau of Fire	[\$110.00]	\$155.00
	Chief of River Patrol ..	Bureau of Fire		
	Chief Inspectors .....	Division of Fire Prevention		
	Chief Wiring Inspectors .....	Bureau of Electricity		
IV.	Training School .....	Bureau of Fire	[\$100.00]	\$150.00
	Instructors			
V.	Captains .....	Bureau of Fire	[\$100.00]	\$150.00
	Assistant Engineers ...	Bureau of Electricity		
	Supervisors of .....	Bureau of Electricity Construction		
	Fire Alarm Operators ..	Bureau of Electricity		
VI.	Lieutenants .....	Bureau of Fire	[\$100.00]	\$145.00
	Engineers .....	Bureau of Fire		\$135.00
	Pumpmen .....	Bureau of Fire		\$135.00
VII.	Drivers .....	Bureau of Fire	[\$100.00]	\$135.00
	Electric Wiring Inspectors .....	Bureau of Building Inspection		
VIII.	Hose and Laddermen ..	Bureau of Fire	[\$100.00]	\$135.00
	Aides .....	Bureau of Fire		
	Assistant Engineers ...	Bureau of Fire		
	Fire Alarm Box Inspectors .....	Bureau of Electricity	[\$100.00]	\$135.00
	Police Box Inspectors ..	Bureau of Electricity		
	Instrument Repairmen ..	Bureau of Electricity		
	Battery Men .....	Bureau of Electricity		
	Line Foremen .....	Bureau of Electricity		
	Lineman .....	Bureau of Electricity		
	Inspector .....	Bureau of Fire		
	Inspector .....	Division of Fire Prevention		

The classification of any applicant for retirement or disability pension shall be determined as follows:

(1) If the applicant has held the position he holds, at the time of making the application, continuously for one year or more prior thereto, pension shall be granted as of the classification into which such position falls.

(2) If the applicant has not held such position continuously for one year or more, pension shall be granted as of the classification into which the last preceding position which he held continuously for one year or more falls, whether such classification is higher or lower than the classification of the position held by applicant at the time of making the application.

[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 3. The increases in pension payments provided by this amending act shall be deemed cost-of-living increases and shall not be construed as a permanent and binding obligation of the pension fund which will in perpetuity entitle present and future pensioners to secure pensions predicated upon such increases. Such increased pension schedule shall be subject to revision by the General Assembly in the event of a decline or a rise in the cost of living: Provided, That in no event shall any decrease in living costs result in decreasing the schedule of pension payments in effect prior to the passage of this amending act.

Intent and construction of act.

Proviso.

Section 4. The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 22d day of May, A. D. 1951.

JOHN S. FINE

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No. 72

AN ACT

To amend section 704 of the act, approved the fifth day of May, one thousand nine hundred thirty-three (Pamphlet Laws 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing