

(4) To employ such clerks, technical or expert personnel and other employes necessary to carry on its work.

Compensation.

Section 7. The members of the commission shall receive no compensation for their services, but may be reimbursed by the commission for actual expenses necessarily incurred in the performance of their duties.

Term of commission.

Section 8. The term of this commission shall expire at the end of the 1953 session of the General Assembly.

Act effective immediately.

Section 9. This act shall become effective immediately upon final enactment.

APPROVED—The 21st day of January, A. D. 1952.

JOHN S. FINE

No. 625

### AN ACT

To further amend section 4, to amend subsection (d) of section 4.1 to add sections 4.2 and 4.3, and to amend paragraph (1) of section 14 of the act, approved the twentieth day of May, one thousand nine hundred fifteen (Pamphlet Laws 566), entitled "An act requiring cities of the first class to establish a pension fund for employes of said cities, and all county or other public employes, if any, paid by appropriation of the city councils thereof, and out of the treasury of said cities; and regulating the administration and the payment of such pensions," by clarifying the amount of contributions by certain pensioners and the method of computing lesser pensions, changing date of completing certain payments and the age to which pension increments may be computed, fixing minimum pensions, and providing benefits for surviving spouse.

Cities of the first class—pension fund.

Section 4, act of May 20, 1915, P. L. 566, as last amended by act of May 2, 1949, P. L. 852, further amended.

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

Section 1. Section 4 of the act, approved the twentieth day of May, one thousand nine hundred fifteen (Pamphlet Laws 566), entitled "An act requiring cities of the first class to establish a pension fund for employes of said cities, and all county or other public employes, if any, paid by appropriation of the city councils thereof, and out of the treasury of said cities; and regulating the administration and the payment of such pensions," as last amended by the act, approved the second day of May, one thousand nine hundred forty-nine (Pamphlet Laws 852), is hereby further amended to read as follows:

Amount of pension.

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, of fifty per centum of the amount which would constitute the average rate of

pay at which he or she was employed during the highest salaried five years of his or her employment by the said city, or other public employment, as aforesaid. Said pension shall be paid in monthly payments: Provided, That if any pension be granted to a person who has not been a contributor to the pension fund, as herein provided, during a period of twenty years, such person shall be required to pay into the board of pensions, monthly, an amount equal to [two] *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 position or employment, before attaining the age of sixty years, 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 a pension above mentioned, notwithstanding he or she has not attained the age of sixty years at the time of his or her separation from the public service; but said pension shall not commence until he or she has attained the age of sixty years. Should any employe, however, become totally and permanently disabled while in the service, after twenty years of service and before attaining the age of sixty years, he or she 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: Provided, That in cases where the nature of such disability is such as to disable the employe from performing any work whatsoever, either within or without the scope of his regular duties or within or without the service of such city or county, the board may, upon a recommendation of the three practicing physicians herein provided for, retire upon pension such applicant after a service of fifteen years: Provided further, That the benefits of this amendment shall apply to members of the pension fund who have been contributors to the said fund for five years or more. The pension paid to any one employe whose monthly payments into the pension fund have been four dollars or less a month, shall not exceed one hundred dollars per month. The pension paid to any one employe whose monthly payments into the pension fund have been more than four dollars a month for a period of at least two years, may exceed one hundred dollars per month, but shall not exceed two hundred dollars per month: Provided, That if an employe, upon the date of retirement from service, shall have made payments of more than

Proviso.

Total and permanent disability.

Proof.

Proviso.

Further proviso.

Limitation of amount payable in certain cases.

Proviso.

four dollars a month unto the pension fund for a period of less than two years, his or her pension shall not exceed one hundred dollars per month, but an amount equal to the total amount paid in excess over four dollars a month shall be returned to such employe.

Pension rate of certain former employes of city.

The pension to be paid to any former employe who was dismissed, voluntarily retired, or in any manner was deprived of his position and employment, after having twenty years of service as an employe of said city, and who has continued making payments to the fund equal to the last amount due and paid monthly while in active service, and who has not accepted any pension under the provisions of the act to which this is an amendment, shall be at the pension rate as provided in section five, and his payments to the board of pensions after the first day of September, one thousand nine hundred forty-five, shall be in an amount equal to the amount which he would have been permitted to make had he continued in the employ of said city after the first day of September, one thousand nine hundred forty-five, and had continued to be paid the same salary as he received when he was last employed by said city. This new amount, whether it be more, less, or the same as, the amount which he paid prior to the first day of September, one thousand nine hundred forty-five, he shall continue to pay until he applies for a pension under the provisions of this act. If there be any difference between the amount which he has paid from the first day of September, one thousand nine hundred forty-five, and the amount which he has elected to pay under the provisions of section five, he shall pay such difference into the board of pensions [within six months of the effective date of this amendment] *on or before the first day of December, one thousand nine hundred fifty-one.*

Subsection (d) of section 4.1, said act, as added thereto by act of May 2, 1949, P. L. 845, amended.

Section 2. Subsection (d) of section 4.1 of said act, as added thereto by the act, approved the second day of May, one thousand nine hundred forty-nine (\*Pamphlet Laws 845), is hereby further amended to read as follows:

#### Section 4.1.

Amount of lesser pension.

(d) Every such lesser pension shall be proportionate to the pension which the employe would be entitled to receive after twenty years of service and contribution, computed as if he had continued to receive, during the remainder of the twenty years, the [same salary as at the time of the \*\*termination of his active service] *average rate of pay at which he was employed during the highest salaried five years of his active service* as his number of months of service is to two hundred forty months.

\* "Pimphlet" in original.  
 \*\* "termination" in original.

Section 3. Sections 4.2 and 4.3 are hereby added to said act to read as follows:

*Section 4.2. In no event shall the pension hereafter payable after twenty (20) years of service be less than seventy-five dollars (\$75.00) a month, or after fifteen (15) years and less than twenty (20) years of service be less than sixty dollars (\$60.00) a month, to any person now or hereafter entitled to a pension under the provisions of this act.*

*Section 4.3. Any married person retiring under the provisions of this act shall, at the time of his or her retirement, receive the pension provided by this act during his or her lifetime, and a pension after his or her death, payable to his or her surviving spouse at the time of retirement, equal to fifty per centum of his or her pension: Provided, That such person so retiring shall have been married to his or her spouse for not less than five years prior to the date of retirement and the spouse is dependent upon such deceased employe at the time of his or her death.*

*The pension to be paid to such surviving spouse shall begin on the first day of the month in which the death of the deceased spouse occurs \*or the first day of the month following the surviving spouse's attainment of the age of fifty-five, whichever is the later, and shall continue to and terminate upon the death of such surviving spouse, unless such surviving spouse shall remarry, in which event the payment of his or her survivor's pension shall thereupon be terminated.*

*The word "pension" as used in this section shall be construed to mean the sum of the pension provided by this act plus the amount of service increment, if any, to which the married person retiring under the provisions of this act shall be entitled.*

Section 4. Paragraph (1) of section 14 of said act, as added thereto by the act, approved the second day of May, one thousand nine hundred forty-nine (Pamphlet Laws 852), is hereby amended to read as follows:

Section 14. In addition to the pension which is authorized by this act and notwithstanding the limitations therein placed upon pensions and upon contributions, every contributor who shall become entitled to the payment of a pension and who has been employed by the said city or county for at least twenty-one years shall also be entitled to the payment, in addition to the said pension, of a "service increment" in accordance with and subject to the condition hereinafter set forth.

(1) Service increment shall be the sum obtained by computing the number of whole years in excess of twenty years during which a contributor has been employed

Sections 4.2 and 4.3 added to said act.

Minimum pensions.

Benefits for surviving spouse.

Proviso.

When pension payable to surviving spouse shall begin and duration of such pension payment.

Construction of word "pension" in this section.

Paragraph (1) of section 14, said act, as added thereto by act of May 2, 1949, P. L. 852, amended.

Certain contributors entitled to "service increment" in addition to pension.

Computation of such "service increment."

\* "on" in original.

Proviso.

by such city or county and paid out of the city treasury and multiplying the said number of years so computed by an amount equal to one-fortieth of the pension which has become payable to such contributor in accordance with the provisions of this act: Provided, That no service increment may be paid for employment of more than twenty such excess years nor for any excess years which shall accrue after a contributor has reached the age of [sixty-five] *seventy* years and no service increment shall be paid in excess of one hundred dollars (\$100.00) per month.

Saving clause.

Section 5. Nothing contained in this act shall be construed to affect the power of a city of the first class or the powers or duties of any board, department or the council thereof to provide and administer pension and retirement systems covering officers and employes of the city, as provided by and authorized and directed under the Home Rule Charter of such city.

APPROVED—The 21st day of January, A. D. 1952.

JOHN S. FINE

No. 626

AN ACT

To further amend the act, approved the second day of May, one thousand nine hundred forty-five (Pamphlet Laws 382), entitled "An act providing for the incorporation as bodies corporate and politic of "Authorities" for municipalities, counties and townships; prescribing the rights, powers and duties of such Authorities heretofore or hereafter incorporated; authorizing such Authorities to acquire, construct, improve, maintain and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and conferring exclusive jurisdiction on certain courts over rates," by extending the provisions thereof to school districts for limited purposes, changing provisions for incorporation, withdrawal from and joinder in Authorities, amendment of articles of incorporation, boards of Authorities and citizenship of members thereof; and providing for extensions of corporate existence, \*transfers of existing facilities to Authorities, and conveyances of projects upon termination or assumption of liabilities.

"Municipality Authorities Act of 1945."

Clause (f) of section 2, act of May 2, 1945, P. L. 382, as amended by act of June 12, 1947, P. L. 571, further amended.

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

Section 1. Clause (f) of section 2 of the act, approved the second day of May, one thousand nine hundred forty-five (Pamphlet Laws 382), entitled "An act providing for the incorporation as bodies corporate and politic of "Authorities" for municipalities, counties and

\* "transfer" in original.