

No. 2005-28

AN ACT

SB 457

Amending the act of June 23, 1931 (P.L.932, No.317), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," further providing for beneficiaries of fund not to be employed by the city; and providing for beneficiaries serving in elective office.

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

Section 1. Section 4353 of the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, reenacted and amended June 28, 1951 (P.L.662, No.164), is amended to read:

Section 4353. Beneficiaries of Fund not to be Employed by City.—No person or persons who shall have become a beneficiary shall be employed by the said city in any capacity[, **excepting in an office elected by popular vote, but during any such elected term he or she shall not be entitled to a pension**]. *Subject to the provisions of section 4361, nothing herein shall be construed as prohibiting a person or persons who shall have become a beneficiary from serving in an elective city office.*

Section 2. Article XLIII of the act is amended by adding a subdivision to read:

(d) Beneficiaries Serving in Elective Office

Section 4361. Right to a Pension if Salary Refused.—In any city governed by the provisions of this act, the act of July 15, 1957 (P.L.901, No.399), known as the "Optional Third Class City Charter Law," or 53 Pa.C.S. Pt. III Subpt. E (relating to home rule and optional plan government), a beneficiary serving in an elective city office shall not be prohibited from receiving a pension for any month in which he or she does not accept a salary from serving in the elective office.

Section 3. This act shall take effect in 60 days.

APPROVED—The 5th day of July, A.D. 2005.

EDWARD G. RENDELL