

No. 2006-130

AN ACT

SB 1148

Amending the act of May 22, 1935 (P.L.233, No.99), entitled "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," further providing for benefits for pensioners, surviving spouses, children and parents of police officers.

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

Section 1. Section 11 of the act of May 22, 1935 (P.L.233, No.99), referred to as the Second Class City Policemen Relief Law, amended November 9, 1965 (P.L.687, No.334), is amended to read:

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 widow] the member or the surviving spouse of the member**, and if no **[widow] spouse** survive, to his **or her** executor or administrator, if his **or her** service has been terminated by death, from the fund, all dues paid by **[him] the member** 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 **or her** admission to membership, under the provisions of subsection (3) of section 8 hereof.

In addition, when any member of the fund shall die as a result of injuries received while in the performance of his **or her** duties, there shall be paid to **[his widow] the member's surviving spouse** from the fund, monthly sums in amounts which together with any payments received under "The Pennsylvania Workmen's Compensation Act" or "The Pennsylvania Occupational Disease Act," will be equal to fifty per centum (50%) of his **or her** salary at the time of his **or her** death. Such monthly payments shall continue for five hundred (500) weeks, or until the **[widow shall remarry, or until her death] death of the surviving spouse**, whichever shall first occur.

In the event there are surviving children but no **[widow] surviving spouse**, or after the payments herein provided for the **[widow] surviving spouse** have been discontinued by reason of the end of the five hundred (500) week period or **his or her [remarriage or] death**, each **[unmarried]**

child of the deceased member under eighteen (18) years of age shall thereafter receive payments equal to twenty-five per centum (25%) of the payments above provided for the **[widow] surviving spouse**, but in no case shall total payments to one family be more than fifty per centum of his *or her* salary at the time of his *or her* death. Where there is only one child, the minimum monthly payments shall be sixty dollars (\$60). Where the maximum amount is payable it shall be divided equally among the children entitled thereto. The payments for each child shall terminate upon his reaching the age of eighteen (18) years, or his marriage or death: Provided, That the board **[may] shall** continue indefinitely payments to a dependent incompetent child. The payments shall consist of any payments received under "The Pennsylvania Workmen's Compensation Act" or "The Pennsylvania Occupational Disease Act," supplemented by the necessary amount from the pension fund.

Payments to the **[widows] surviving spouses** and children of members killed while on duty shall be made on and after July 1, 1959.

In the event there are no surviving children or no **[widow] surviving spouse** entitled to receive the payments provided for in this act, any dependent parents of the member shall receive the payments the **[widow] surviving spouse** would have received had *he or she* survived **[and not remarried]**.

Section 2. Section 11.1 of the act, amended or added November 9, 1965 (P.L.687, No.334) and July 8, 1970 (P.L.455, No.156), is amended to read:

Section 11.1. Married Persons; Pension to Surviving Spouse and Dependent Children.—

(a) Any married person who elects in writing to be governed by the provisions of this amendment and who retires 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 **[his] the member's** death, 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 two years prior to the date of death and the spouse was dependent upon such deceased employee at the time of **[his]** death.

(a.1) Any retired member of the Police Pension Fund who retired prior to August 27, 1963, may, within ninety days after the effective date of this amendment, elect to be governed by the provisions of this subsection, provided such election shall be in writing and that such writing shall be filed with the Secretary of the Police Pension Fund. Each retired member who elects to be governed under the provisions of this subsection shall agree to contribute one-half of one percent of his monthly pension to the Police Pension Fund. Upon the death of any retired member who elected in the manner above prescribed to be governed by this subsection, **[his widow] the surviving spouse** and surviving children shall receive the benefits otherwise provided by this act for **[widows] surviving spouses** and children of

deceased members who elected to be governed by the amending act of August 27, 1963 (P.L.1297) and any further amendments thereto.

(b) Such surviving spouse shall be entitled to receive payments commencing the first day of the month in which the death of the deceased spouse occurs, and shall continue to and terminate upon the death of such surviving spouse, **[unless such surviving spouse shall remarry,]** in which event the board **[may] shall** allocate the pension to dependent children or parents as provided in this act: Provided, That in no case shall total payments to a member or his *or her* survivors or his *or her* estate be less than the deceased member's contribution into the fund.

(c) In the event there is no surviving spouse, or the surviving spouse dies **[or remarries]** while receiving payments under this section, and where there are dependent children of the deceased member of the fund, the board **[may] shall** pay to each such dependent child twenty-five per centum of the pension earned by the deceased member until the age of eighteen **[or marriage]** or death: Provided, That the board **[may] shall** indefinitely continue payments to a dependent incompetent child.

Where the sums payable to dependent children under this section are equal to the maximum pension to which the **[widow] surviving spouse** would be entitled, it shall be divided equally among the children entitled thereto.

In the event there are no surviving children **[or no widow] and no surviving spouse** entitled to receive the payments provided for in this act, any dependent parents of the deceased member shall receive the monthly payments the **[widow] surviving spouse** would have received had *he or* she survived **[and not remarried]**.

(d) 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 shall be entitled.

Section 3. Section 11.2 of the act, amended November 9, 1965 (P.L.687, No.334) and December 12, 1968 (P.L.1205, No.378), is amended to read:

Section 11.2. (a) A surviving spouse of any active member of the Police Pension Fund who:

- (1) at the time of his *or her* death was in active service with the city; and
- (2) had elected to be governed by the provisions of this amendment; and
- (3) if he *or she* died prior to the effective date of this amending act and had completed at least twenty years' service; or if he *or she* dies after the effective date of this amending act, regardless of the length of his service, shall be entitled to survivorship benefits equal to fifty per centum of the pension which would have been payable to such active member had he retired at the date of his *or her* death: Provided, That such employee shall have been married to his *or her* spouse for not less than two years prior to the date of his *or her* death and that the spouse was dependent upon such deceased employee at the time of **[his]** death.

(b) Such surviving spouse shall be entitled to receive payments as provided in subsections (b) and (c) of section 11.1 of this act.

(c) The word "pension" as used in this section shall be construed to mean the sum of the pension under the terms of this act, including the amount of service increments, if any, to which the deceased member of the Police Pension Fund would have been entitled had he retired upon the date of his death.

Section 4. Section 14.6 of the act, added March 3, 1972 (P.L.96, No.34), is amended to read:

Section 14.6. In addition to the other benefits provided by this act the city council is authorized by ordinance to adopt a plan of paying to **[widows] surviving spouses** of deceased policemen, not otherwise covered under this act, a monthly award of such amount as the council may from time to time determine and may further appropriate from the city's general fund sufficient amounts to make such further awards.

Section 5. Section 15 of the act is amended to read:

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] or her spouse** 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 6. Section 16 of the act, amended November 21, 1959 (P.L.1591, No.571), is amended to read:

Section 16. Any beneficiary of the fund who may obtain employment in service of the city itself shall suffer suspension of his pension from the fund during the time of such employment. If any beneficiary shall die before receiving in pension, a sum equal to **[his] the beneficiary's** total contributions to the fund, such difference shall be paid to **[his widow or if no widow survive] the beneficiary's surviving spouse, or, if no surviving spouse survives,** to **[his] the beneficiary's** executor or administrator.

Section 7. This act shall take effect in 60 days.

APPROVED—The 27th day of October, A.D. 2006.

EDWARD G. RENDELL