

LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO SENATE BILL NO. 1093

Sponsor: **BROWNE**

Printer's No. 1383

1 Amend Title, page 1, lines 1 and 2, by striking out "the act
2 of April 17, 2002 (P.L.239, No.30), entitled "An act amending"

3 Amend Title, page 1, line 3, by striking out "'An" and
4 inserting

5 "An

6 Amend Title, page 1, lines 15 and 16, by striking out "acts,"
7 further providing for benefits and for payment into police
8 pension funds by members,"" and inserting

9 acts,"

10 Amend Title, page 1, line 18, by removing the period after
11 "beneficiaries" and inserting

12 ; and making a related repeal.

13 Amend Bill, page 1, line 21, by striking out all of said line
14 and inserting

15 Section 1. Section 1 of the act of May 29, 1956 (1955
16 P.L.1804, No.600), referred to as the Municipal Police Pension
17 Law, amended April 27, 2002 (P.L.239, No.30), is amended to
18 read:

19 Section 1. (a) (1) Each borough, town and township of this
20 Commonwealth maintaining a police force of three or more full-
21 time members and each regional police department shall, and all
22 other boroughs, towns or townships may, establish, by ordinance
23 or resolution, a police pension fund or pension annuity to be
24 maintained by a charge against each member of the police force,
25 by annual appropriations made by the borough, town, township or
26 regional police department, by payments made by the State
27 Treasurer to the municipal treasurer from the moneys received
28 from taxes paid upon premiums by foreign casualty insurance
29 companies for purposes of pension retirement for policemen, and
30 by gifts, grants, devises or bequests granted to the pension

1 fund pursuant to section two of this act.

2 (2) Such fund shall be under the direction of the governing
3 body of the borough, town, township or regional police
4 department, and applied under such regulations as such governing
5 body, by ordinance or resolution, may prescribe for the benefit
6 of such members of the police force as shall receive honorable
7 discharge therefrom by reason of age and service, or disability,
8 and may prescribe for the benefit (i) of surviving spouses, and
9 if no spouse survives or if he or she survives and subsequently
10 dies, then (ii) of child or children under the age of eighteen
11 years or, if attending college, under or attaining the age of
12 twenty-three years, of members of the police force or of members
13 retired on pension.

14 (3) All such pensions as shall be allowed to those who are
15 retired by reason of disabilities shall be in conformity with a
16 uniform scale.

17 (4) The surviving spouse, of a member of the police force or
18 a [member who] former member of the police force who, prior to
19 April 18, 2002, retired on pension and dies subsequent to
20 retirement or who, after April 16, 2002, retires on pension and
21 dies subsequent to retirement, who dies or if no spouse survives
22 or if he or she survives and subsequently dies, then the child
23 or children under the age of eighteen years or, if attending
24 college, under or attaining the age of twenty-three years, of a
25 member of the police force or a member who retires on pension
26 who dies, shall, during her lifetime in the case of a surviving
27 spouse or until reaching the age of eighteen years or, if
28 attending college, under or attaining the age of twenty-three
29 years in the case of a child or children, be entitled to receive
30 a pension calculated at no less than fifty per centum of the
31 pension the member was receiving or would have been receiving
32 had he been retired at the time of his death.

33 (5) The surviving spouse of a member of the police force who
34 dies before his pension has vested or if no spouse survives or
35 if he or she survives and subsequently dies, the child or
36 children under the age of eighteen years or, if attending
37 college, under or attaining the age of twenty-three years, of
38 the member of the police force shall be entitled to receive
39 repayment of all money which the member invested in the pension
40 fund plus interest or other increases in value of the member's
41 investment in the pension fund unless the member has designated
42 another beneficiary for this purpose.

43 (b) For purposes of this act, the phrase "attending college"
44 shall mean the eligible children are registered at an accredited
45 institution of higher learning and are carrying a minimum course
46 load of seven credit hours per semester and the term "regional
47 police department" shall mean a municipal police force organized
48 and operated in combination by two or more municipalities
49 through an intermunicipal agreement pursuant to 53 Pa.C.S. Ch.
50 23 Subch. A (relating to intergovernmental cooperation).

51 Section 2. the General Assembly finds and declares as
52 follows:

53 (1) This act is intended to clarify the purpose of the
54 act of April 17, 2002 (P.L.239, No.30), entitled "An act
55 amending the act of May 29, 1956 (1955 P.L.1804, No.600),
56 entitled, as amended, 'An act providing for the establishment
57 of police pension funds or pension annuities in certain
58 boroughs, towns and townships; authorizing the establishment
59 of police pension funds or pension annuities by regional

1 police departments; providing for the regulation and
2 maintenance of police pension funds or pension annuities;
3 providing for an actuary; continuance of existing funds or
4 transfer thereof to funds herein established; prescribing
5 rights of beneficiaries; contributions by members; providing
6 for expenses of administration; continuation of existing
7 authority to provide annuity contracts; credit for military
8 service; refunds; exempting allowances from judicial process;
9 and repealing certain acts,' further providing for benefits
10 and for payment into police pension funds by members," to
11 declare and affirm its applicability to the spouses and
12 dependent children of police officers who had retired prior
13 to the effective date of that act and who subsequently died,
14 as well as those who were deceased on the effective date of
15 the act or who retired subsequently thereto.

16 (2) It is the manifest intent of the General Assembly
17 that insofar as the act of April 17, 2002 (P.L.239, No.30)
18 affects the benefits payable to a surviving spouse or
19 dependent child or children under section 1(a)(2) and (4) of
20 the act of May 29, 1956 (1955 P.L.1804, No.600), referred to
21 as the Municipal Police Pension Law, that in addition to its
22 prospective applicability, this act declares and affirms that
23 the mandated benefit payments shall be payable to the
24 surviving spouse of a member or to a dependent child or
25 children, as applicable, regardless of whether the member
26 retired or died on, before or after April 17, 2002, and
27 further provided that the surviving spouse was not remarried
28 as of April 17, 2002, or alternatively, to the deceased
29 member's dependent child or children.

30 Section 3. Repeals are as follows:

31 (1) The General Assembly declares that the repeal under
32 paragraph (2) is necessary to effectuate this act.

33 (2) Section 4 of the act of April 17, 2002 (P.L.239,

34 Amend Bill, page 2, lines 11 and 12, by striking out "amended
35 to" in line 11, all of line 12 and inserting

36 repealed.

37 Amend Sec. 4, page 2, lines 13 through 17, by striking out
38 all of said lines

39 Amend Sec. 2, page 2, line 18, by striking out "2" and
40 inserting

41 4

42 Amend Sec. 2, page 2, line 18, by striking out "be
43 retroactive" and inserting

44 apply retroactively

45 Amend Sec. 3, page 2, line 19, by striking out "3" and
46 inserting

