

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2373 Session of 2024

INTRODUCED BY BENHAM, KUZMA, PIELLI, KENYATTA, SANCHEZ, KINSEY,
 POWELL, MADSEN, HOWARD, HILL-EVANS, BOROWSKI, CERRATO,
 CONKLIN, KHAN, DELLOSO, DALEY, NEILSON, FLEMING AND GREEN,
 JUNE 3, 2024

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JUNE 3, 2024

AN ACT

1 Amending the act of May 25, 1933 (P.L.1050, No.242), entitled
 2 "An act creating and establishing a fund for the care,
 3 maintenance, and relief of aged, retired and disabled
 4 employes of the bureau of fire in cities of the second class;
 5 creating a board for the management thereof; providing the
 6 mode and manner of payment to beneficiaries, and for the care
 7 and disposition of its funds; and providing for the transfer
 8 and payment of all moneys and securities in existing funds in
 9 similar boards superseded by the fund and board herein
 10 created," further providing for requirements of membership,
 11 for married persons and pensions to surviving spouses and for
 12 eligibility of surviving spouses.

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

15 Section 1. Sections 9, 9.2(b) and (d) and 9.3(d) of the act
 16 of May 25, 1933 (P.L.1050, No.242), referred to as the Second
 17 Class City Firemen Relief Law, are amended to read:

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

20 (1) To sign an acceptance of the provisions of this act,
 21 which acceptance shall contain an agreement, on the part of the
 22 one so signing, that upon resignation or dismissal from the

1 employ of said bureau of fire, he shall thereby relinquish and
2 forfeit all rights to participate in said fund; and no
3 employment shall be granted an applicant to a position which
4 would make him eligible as a member of said fund until such
5 acceptance and agreement is signed by him.

6 (2) To contribute to said fund six per centum of his rated
7 monthly wages, which shall be deducted from his wages by the
8 city controller from the payroll for the last pay period of each
9 month, and paid into the fund. All beneficiaries of the fund
10 shall, in addition thereto, pay the sum of one dollar a month
11 into the said fund, and in the case of active members, the city
12 controller shall deduct said contribution from the payroll of
13 the last pay period of each month and the secretary of the fund
14 shall deduct the sum of one dollar from the pension paid each
15 pensioner. The amount so collected shall be paid into the
16 firemen's relief and pension fund and out of the funds of the
17 firemen's relief and pension fund there shall be paid to the
18 beneficiary of any deceased member of the fund, the sum of one
19 thousand two hundred dollars.

20 When any member of the fund shall resign or be dismissed from
21 service there shall be paid to him from the fund a sum of money
22 equal to all dues paid by him into the fund, without interest.
23 When any member of the fund shall die in active service there
24 shall be paid from the fund a sum of money equal to all dues
25 paid by him into the fund, without interest, to his widow, if
26 there be such widow, or in the absence of such widow to such
27 person or persons as he shall have designated on a form prepared
28 and approved by the board for such purpose, or in the absence of
29 such widow and such designation to his estate. When any
30 beneficiary shall die before he has received pension payments

1 equal in amount to his total contributions to the fund, there
2 shall be paid a sum of money equal to the difference between the
3 amount of his said contributions and the amount he shall have
4 received as pension payments, without interest, to his widow, if
5 there be such widow or in the absence of such widow to such
6 person or persons as he shall have designated on a form prepared
7 and approved by the board for such purpose, or in the absence of
8 such widow and such designation to his estate.

9 In addition when any member of the fund shall die as a result
10 of injuries incurred while in the performance of his duties,
11 there shall be paid to his widow from the fund monthly sums in
12 amounts which, together with any payments received under ["The
13 Pennsylvania Workmen's] the "Workers' Compensation Act" or "The
14 Pennsylvania Occupational Disease Act," will be equal to fifty
15 per centum of his salary at the time of his death. Such monthly
16 payments shall continue for five hundred weeks[, or until the
17 widow shall remarry,] or until her death, whichever shall first
18 occur.

19 In the event there are surviving children but no widow, or
20 after the payments herein provided for the widow have been
21 discontinued by reason of the end of the five hundred week
22 period [or her remarriage] or death, each unmarried child of the
23 deceased member under the age of eighteen years shall thereafter
24 receive payments equal to twenty-five per centum of the payments
25 above provided for the widow, but in no case shall total
26 payments to one family be more than fifty per centum of his
27 salary at the time of his death. Where there is only one child,
28 the minimum monthly payments shall be sixty dollars. Where the
29 maximum amount is payable, it shall be divided equally among the
30 children entitled thereto. The payments for each child shall

1 terminate upon his reaching the age of eighteen years or his
2 marriage or death: Provided, That the board may continue
3 indefinitely payments to a dependent incompetent child. These
4 payments shall consist of any payments received under ["The
5 Pennsylvania Workmen's] the "Workers' Compensation Act" or "The
6 Pennsylvania Occupational Disease Act," supplemented by the
7 necessary amounts from the pension fund. In the event there are
8 no surviving children or no widow entitled to receive the
9 payments provided for in this act, any dependent parents of the
10 member shall receive the payments the widow would have received
11 had she survived [and not remarried].

12 Regular employes shall serve at least fifteen days in each
13 month and appear on all payrolls of said bureau of fire in said
14 month in order to be credited for one month's service for
15 pension under this act. In the event, however, that such regular
16 employe served one or more days in any month while serving as a
17 substitute employe prior to becoming a regular employe, such
18 regular employe shall be given a full month's credit for the day
19 or days in every month so served as a substitute: Provided, That
20 the dues for each month so credited are paid in full.

21 Payments to the widows and children of members killed while
22 on duty shall first be made on and after July 1, 1959.

23 Section 9.2. Married Persons; Pension to Surviving Spouse.--

24 * * *

25 (b) Such surviving spouse shall be entitled to receive
26 payments commencing the first day of the month in which the
27 death of the deceased spouse occurs, and shall continue to and
28 terminate upon the death of such surviving spouse[, unless such
29 surviving spouse shall remarry], in which event the board may
30 allocate the pension to dependent children or parents as

1 provided in this act: Provided, however, That in no case shall
2 total payments to a member or his survivors or his estate be
3 less than the deceased member's contribution into the fund.

4 * * *

5 (d) In the event there is no surviving spouse[,] or the
6 surviving spouse dies [or remarries] while receiving payments
7 under this section, and where there are dependent children of
8 the deceased member of the fund, the board may pay to each such
9 dependent child twenty-five per centum of the pension earned by
10 the deceased member until each such child attains the age of
11 eighteen or marries or dies: Provided, That the board may
12 indefinitely continue payments to a dependent incompetent child.
13 Where the sums payable to dependent children under this section
14 are equal to the maximum pension to which the widow would be
15 entitled, it shall be divided equally among the children
16 entitled thereto. In the event there are no surviving children
17 or no widow entitled to receive the payments provided for in
18 this act, any dependent parents of the deceased member shall
19 receive the monthly payments the widow would have received had
20 she survived [and not remarried]. In the event that there are no
21 surviving children, widow or dependent parents entitled to
22 receive the payments provided for in this act, the deceased
23 member's contributions or the remainder of his contributions
24 shall be paid to his estate.

25 * * *

26 Section 9.3. * * *

27 (d) In the event there is no surviving spouse or the
28 surviving spouse dies [or remarries] and where there are
29 dependent children of the deceased member of the fund, the board
30 may pay to each such dependent child twenty-five per centum of

1 the pension earned by the deceased member until each such child
2 attains the age of eighteen or marries or dies: Provided, That
3 the board may indefinitely continue payments to a dependent
4 incompetent child. Where the sums payable to dependent children
5 under this section are equal to the maximum pension to which the
6 widow would be entitled, it shall be divided equally among the
7 children entitled thereto. In the event there are no surviving
8 children or no widow entitled to receive the payments provided
9 for in this act, any dependent parents of the deceased member
10 shall receive the monthly payments the widow would have received
11 had she survived [and not remarried]. In the event that there
12 are no surviving children, widow or dependent parents entitled
13 to receive the payments provided for in this act, the deceased
14 member's contributions or the remainder of his contributions
15 shall be paid to his estate.

16 Section 2. This act shall take effect in 60 days.