



# City of Philadelphia

Philadelphia, PA 19107

**BILL NO. 041005**

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**Introduced November 18, 2004**

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**Councilmembers O'Neill, Kelly, Mariano, Blackwell, Miller, Council President Verna, Councilmembers Nutter, Rizzo, DiCicco, Krajewski, Kenney, Reynolds Brown, Cohen, Ramos, Clarke, Tasco and Goode**

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**Referred to the  
Committee on Labor and Civil Service**

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## **AN ORDINANCE**

Amending Title 22 of the Philadelphia Code entitled "Public Employees Retirement Code," including Sections 22-701 and 22-702, to allow for benefits to be paid to trusts for disabled children and disabled adopted children of members, under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

**SECTION 1.** Title 22 of the Philadelphia Code is hereby amended as follows:

### CHAPTER 22-700. BENEFICIARIES AND SURVIVORS.

§22-701. Designation of Beneficiaries.

(1) Permissible designations. The designation of a member's beneficiaries must be in writing and on file with the Board during the member's employment. A member may designate as beneficiaries only individuals within the following categories:

(a) The spouse who either lives with the member at the time of the member's death or is entitled to financial support by the member;

(b) (.1) natural or adopted child or children of the member

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(.2) a trust for the benefit of a disabled natural child or a disabled adopted child of the member, providing that the following conditions are met:

(.a) the beneficiary of the trust shall be irrevocable no later than the date of the retirement or death of the member, whichever occurs first,

(.b) The trust must be a valid trust under Pennsylvania law or would be but for the fact that there is no trust corpus,

(.c) the trust must be irrevocable,

(.d) the beneficiaries of the trust must be identifiable from the trust instrument,

(.e) a copy of the trust must be provided to the Pension Board within thirty (30) days of the date of the member's submission of the document designating the trust as a survivor, and

(.f) in the case of an annual benefit to be paid monthly "for life" under this Ordinance, the determining life shall be the lifetime of the irrevocable beneficiaries of the trust;

(c) parents or parent of the member;

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§22-702. Designation of Survivors.

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(1) Permissible designations. Each member shall make an irrevocable designation of survivors upon retirement. The designation of a member's survivors must be in writing and on file with the Board. A member may designate only the following individuals:

(a) spouse;

(b) (.1) natural or adopted child or children of the member

(.2) a trust for the benefit of a disabled natural child or a disabled adopted child of the member, providing that the following conditions are met:

(a) the beneficiary of the trust shall be irrevocable no later than the date of the retirement or death of the member, whichever occurs first,

(b) The trust must be a valid trust under Pennsylvania law or would be but for the fact that there is no trust corpus,

(c) the trust must be irrevocable,

(d) the beneficiaries of the trust must be identifiable from the trust instrument,

(e) a copy of the trust must be provided to the Pension Board within thirty (30) days of the date of the member's submission of the document designating the trust as a survivor, and

(f) in the case of an annual benefit to be paid monthly "for life" under this Ordinance, the determining life shall be the lifetime of the irrevocable beneficiaries of the trust;

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(c) parents or parent of the member;

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**SECTION 2.** This Ordinance shall take effect immediately.

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**EXPLANATION:**

[Brackets] denote matter deleted.

Underlining denotes new matter added.