

Section 3. This act shall become effective immediately upon its final enactment. When effective.

APPROVED—The 21st day of June, A. D. 1935.

GEORGE H. EARLE.

No. 173

AN ACT

To amend clauses six, nine, and ten of section one as amended, clause nine of section eight as added, section eleven as amended, clause five of section twelve, and clause two of section thirteen, and sections fourteen and fifteen of the act, approved the twenty-seventh day of June, one thousand nine hundred twenty-three (Pamphlet Laws, eight hundred fifty-eight), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," opening the system further for original members; defining officers and employes of the Pennsylvania State College as State employes; providing for the calculation of annuities where original and new members are retired before completing back payments; defining certain members as new members; providing for the calculation of annuities where members transferred from one class to another; defining the rights of retired persons who return to State service; and providing for the payment out of accumulated deductions and annuities due by the board in certain cases.

Section 1. Be it enacted, &c., That clause six of section one of the act, approved the twenty-seventh day of June, one thousand nine hundred twenty-three (Pamphlet Laws, eight hundred fifty-eight), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," as last amended by section one of the act, approved the twelfth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, five hundred nineteen), is hereby further amended to read as follows:

6. "State employe" shall mean any person holding a State office under the Commonwealth of Pennsylvania,

State Employes' Retirement System.

Clause 6 of section 1, act of June 27, 1923 (P. L. 858), as last amended by section 1, act of June 12, 1931 (P. L. 519), further amended.

"State employe," defined.

or employed and paid on a yearly or monthly basis by the State Government of the Commonwealth of Pennsylvania, in any capacity whatsoever; and shall include also any attorney, solicitor, investigator, appraiser, and clerk employed by the year or by the month in the office of any register of wills, howsoever appointed, whose compensation is actually paid from Commonwealth moneys; and shall also include all judges of the several courts of this Commonwealth whose salaries are paid by the Commonwealth, and also all clerks and secretaries employed by judges and paid on a yearly or monthly basis by such judges from moneys appropriated by the Commonwealth for such purposes; *and also all officers and employes of the Pennsylvania State College paid on a yearly or monthly basis, other than those paid wholly from Federal funds.* But the term "State employe" shall not include those persons defined as employes in section one, paragraph seven of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, one thousand forty-three), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes; defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits and rights from taxation and judicial process; and providing penalties," as amended by section one, paragraph seven of the act, approved the twenty-first day of April, one thousand nine hundred and twenty-one (Pamphlet Laws, two hundred forty-five), excepting such officers and employes of the Department of Public Instruction as are not members of or who may withdraw from the public school employes' retirement association provided by said act; and no member shall be deprived of credit for prior service as a State employe because of the fact that such service was rendered while he or she was a member of the public school employes' retirement association.

The term "State employe" shall also include all State officers and employes regularly employed by the year or by the month at a fixed annual or monthly compensation when the General Assembly is not in session, but who, during a legislative session, instead of a fixed annual or monthly salary or compensation are paid upon a per diem basis or by a fixed salary or compensation from the legislative session.

Clerks and secretaries employed by judges included.

Employes of Pennsylvania State College included.

In all cases of doubt the retirement board shall determine whether any person is a State employe as defined in this paragraph, and its decision shall be final.

Section 2. That clause nine of section one of said act, as last amended by the act, approved the third day of June, one thousand nine hundred and thirty-three (Pamphlet Laws, one thousand four hundred sixty-three), is hereby further amended to read as follows:

Clause 9 of section 1 of said act, as last amended by act of June 3, 1933, (P. L. 1463), further amended.

"Original member," defined.

Time extended.

9. "Original member" of the retirement association shall mean a State employe who was at any time a State employe prior to January first, one thousand nine hundred twenty-five, whether or not such employment has been continuous, and who shall have become a member of the retirement association on or before December thirty-first, one thousand nine hundred [thirty-three] *thirty-five*.

Any such State employe, who shall become an original member of the association after the approval of this amendment, including those who, having heretofore become a new member thereof, shall become an original member under the provisions hereof, shall pay to the retirement association a sum equal to all the back payments which such person would have made had he or she become a member of the retirement association when the retirement system was established. Such back payments may be spread over a period of years, by having such regular payroll deduction of such person increased by not less than one-third of the amount thereof, which deduction increase shall be credited to such back payments owing and shall be continued until the amount thereof shall be paid in full, *unless such member is retired under the provisions of this act before such back payments have been completed. Any such deduction increase may be anticipated in full by the member at any time.*

Original member of the retirement association shall also mean any judge in service on the second Monday of January, one thousand nine hundred thirty, who shall elect to become a member of the retirement association at any time during the term for which he was then elected or appointed, and any person hereafter elected or appointed a judge who, at the time of his election or appointment, is an original member of the retirement association, or who was retired, voluntarily or involuntarily, as an original member, and is, at the time of his election or appointment as a judge, receiving a retirement allowance as an original member.

Judges.

Section 3. That clause ten of section one of said act, as last amended by section two of the act, approved the twelfth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, five hundred nineteen), is hereby further amended to read as follows:

Clause 10 of section 1 of said act, as last amended, by section 2, act of June 12, 1931 (P. L. 519), further amended.

"New member,"
defined.

Subsequent
joiners.

Increase
of payroll
deduction.

Clause 9 of
section 8 of said
act, which was
added by
section 3, act
of June 12, 1931
(P. L. 519),
amended.

Contributor
may transfer
from lower to
higher class.

Time.

Age for
computation
of salary
deduction.

Method of
calculation.

10. "New member" of the retirement association shall mean a State employe who shall have become a State employe and a member of the retirement association at a date subsequent to the thirty-first day of December, one thousand nine hundred twenty-four, or who, upon becoming a member subsequent to December thirty-first, one thousand nine hundred and twenty-four, elected or hereafter elects not to make back payments, and, in the case of a judge, shall mean any judge who was not an original member and who is elected, re-elected, or appointed to the office of judge subsequent to the second Monday of January, one thousand nine hundred and thirty. Any person who became a State employe, as herein defined, subsequent to December thirty-first, one thousand nine hundred and twenty-four, may become a "New member," as of the date when he or she became such "State employe" upon payment to the retirement association of a sum equal to all back payments which such person would have made had he or she become a member at the date of becoming a "State employe." Such back payments may be spread over a period of years by having the regular payroll deduction of such person increased for not less than one-third of the amount thereof, which deduction increase shall be credited to such back payments owing, which shall be continued until the amount thereof shall be paid in full, unless such member is retired under the provisions of this act before such back payments have been completed. [except that payment of] Any such deduction increase may be anticipated in full by the member at any time.

Section 4. That clause nine of section eight of said act, which was added by section three of the act, approved the twelfth day of June, one thousand nine hundred thirty-one (Pamphlet Laws, five hundred nineteen), is hereby amended to read as follows:

(9) A contributor, whether an original member or a new member, who is in active service on the date when this amendment becomes effective, may transfer from the one-one-hundred-sixtieth (1-160) class to the one-one-hundredth (1-100) class: Provided, That he completes the transfer on or before the thirty-first day of December, one thousand nine hundred and thirty-one: Provided also, That in the event of such transfer, the per centum of salary deduction applicable to such transferred member in the one-one-hundredth (1-100) class shall be based upon the same age of the contributor as was used in determining the per centum of salary deduction applicable while in the one-one-hundred-sixtieth (1-160) class.

Where a member has transferred from the one one-hundred-sixtieth (1-160) class to the one-one-hundredth (1-100) class, as above provided, his State annuity upon retirement shall be calculated as follows:

(a) For service prior to the time of transfer, at the one-one-hundred-sixtieth (1-160) rate.

(b) For service subsequent to the date of transfer to the date of retirement, at the one-one-hundredth (1-100) rate.

(c) For all service prior to the time of commencing contribution, as the time he contributed at the one-one-hundred-sixtieth (1-160) rate bears to the total time of contribution, and as the time he contributed at the one-one-hundredth (1-100) rate bears to the total time of contribution.

Section 5. That section eleven of said act, as amended by the act, approved the twenty-sixth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, eight hundred forty-four), the act, approved the fourteenth day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand seven hundred twenty-three), and the act, approved the third day of June, one thousand nine hundred and thirty-three, (Pamphlet Laws, one thousand four hundred sixty-three), is hereby further amended to read as follows:

Section 11 of said act, as amended by act of April 26, 1929 (P. L. 844), act of May 14, 1929 (P. L. 1723), and act of June 3, 1933 (P. L. 1463), further amended.

Section 11. (1) Should a contributor, before reaching superannuation retirement age, by resignation or dismissal, or for any other reason than death or retirement upon disability under section twelve, or for superannuation under section thirteen, cease to be a State employe, he or she shall be paid, on demand, from the fund created by this act, (a) the full amount of the accumulated deductions standing to his or her individual credit in the annuity savings account, or, in lieu thereof, should he or she so elect, (b) an annuity or a deferred annuity, beginning at superannuation retirement age, which shall be the actuarial equivalent of said accumulated deductions. His or her membership in the retirement association shall thereupon cease.

Withdrawal.

(2) Should a State employe, so separate from his or her service as State employe without retiring, return within seven years and restore to the State Employes' Retirement Fund, to the credit of the annuity savings account, his or her accumulated deductions as they were at the time of his or her separation, the annuity rights forfeited by him or her at that time shall be restored and his obligations as a member of the retirement association shall begin again; but nothing contained in this clause shall limit the right of a State employe who has heretofore retired, or shall hereafter retire voluntarily or involuntarily to return to service as a State employe at any time, and to continue, from the time of reentry into State service, his rights as an original or new member as they existed at the time of retirement, and add to such rights by further service. In any case, his or her annuity or allowance shall cease upon reentry into State service until subsequent retirement.

(3) Should a member be discontinued from service, not voluntarily, after having completed ten years of total service but before reaching superannuation retirement age, he or she shall be paid as he or she may elect as follows:

(a) The full amount of the accumulated deductions standing to the credit of his or her individual account in the annuity savings account; or

(b) An annuity of equivalent actuarial value to his or her accumulated contributions, and in addition, a State annuity, beginning immediately, having a value equal to the present value of a State annuity beginning at superannuation retirement age, of one-one-hundred-sixtieth (1-160) or one-one-hundredth (1-100) of his or her final salary for each year of total service, *except in case of members who, upon becoming members subsequent to December thirty-first, one thousand nine hundred and twenty-four, elected or hereafter elect not to make back payments, in which case the State annuity shall be calculated only for each year of total service while a member*, and, in addition thereto, if an original member of the retirement association, of a further State annuity *beginning immediately, having a value equal to the present value of a State annuity beginning at superannuation retirement age* of one-one-hundred-sixtieth (1-160) or one-one-hundredth (1-100) of his or her final salary for each year of prior service, as certified to said original member in the certificate issued to him or her by the retirement board under the provisions of section ten of this act.

(4) Should a judge discontinue service voluntarily or not voluntarily, after having completed twenty years of total service but before reaching superannuation retirement age, he or she may elect (in addition to the elections otherwise provided for by this act for State employes) to take, at the time of retirement, an annuity calculated in accordance with clause three (b) of this section, as provided for in the case of State employes retiring not voluntarily after having completed ten years of total service, or he or she may elect to take a deferred annuity beginning at superannuation retirement age, calculated in accordance with section thirteen (2) as provided for in the case of State employes retiring for superannuation, but in no event shall the total State annuity exceed fifty per centum of his or her final salary.

(5) Should a contributor die before retirement, his or her accumulated deductions shall be paid to his or her estate, or to such person as he or she shall have nominated by written designation duly executed and filed with the retirement board. *In case any contributor, heretofore or hereafter dying, has failed to nominate a beneficiary, or the beneficiary nominated died prior to*

the death of the contributor, and in either event the amount of his or her accumulated deductions is less than one hundred dollars (\$100), the board may, if letters testamentary or of administration have not been taken out on the estate of such contributor within six months of death, pay such accumulated deductions on the claim of the undertaker, or to any person or persons or political subdivision who or which shall have paid the claim of the undertaker.

Section 6. That clause five of section twelve of said act is hereby amended to read as follows:

Clause 5 of section 12, amended.

(5) On retirement for disability, a contributor shall receive a retirement allowance which shall consist of—

(a) A member's annuity which shall be the actuarial equivalent of his or her accumulated deductions; and

(b) A State annuity which, together with the member's annuity, shall be sufficient to produce a retirement allowance of one-ninetieth (1-90) of his or her final salary multiplied by the number of his or her years of service, but in any case, not less than thirty per centum of said final salary, unless said thirty per centum shall exceed eight-ninths of the rate of retirement allowance to which the member might have been entitled had retirement been deferred until the superannuation retirement age, when the State annuity granted shall be such as to make the rate of the total retirement allowance equal to eight-ninths of the rate of allowance to which the member might have been entitled had retirement been deferred until the superannuation retirement age.

Where a member deferred taking membership and has not completed his back payments at the time of disability retirement, then the State annuity shall be the amount, to which the member would have been entitled, had the back payments been completed at the time of becoming a member.

Section 7. That clause two of section thirteen of said act is hereby amended to read as follows:

Clause 2 of section 13, amended.

(2) On retirement for superannuation, a contributor shall receive a retirement allowance which shall consist of—

(b) A State annuity of one-one-hundred-sixtieth equivalent to his or her accumulated deductions; and

(b) A State annuity of one-one-hundred-sixtieth (1-160) or one-one-hundredth (1-100) of his or her final salary for each year of total service, *except in the case of members who, upon becoming members subsequent to December thirty-first, one thousand nine hundred and twenty-four, elected or hereafter elect not to make back payments, in which case the State annuity shall be calculated only for each year of total service while a member;* and

(c) In addition thereto, if an original member of the retirement association, a further State annuity of

one-one-hundred-sixtieth (1-160) or one-one-hundredth (1-100) of his or her final salary for each year of prior service, as certified to said original member in the certificate issued to him or her by the retirement board under the provisions of section ten of this act; but in no event shall the total State annuity exceed fifty per centum of his or her final salary.

Section 14,
amended.

Section 8. That section fourteen of said act is hereby amended to read as follows:

Section 14. At the time of his or her *superannuation* retirement, any contributor may elect to receive his or her benefits in a retirement allowance, payable throughout life; or if such retirement allowance amounts to less than five dollars (\$5) per month, he or she may elect to receive the full amount of the accumulated deductions standing to his or her individual credit in the annuity savings account; or he or she may, on *superannuation* retirement, elect to receive the actuarial equivalent at that time of his or her member's annuity, State annuity, or retirement allowance, in a lesser member's annuity, or a lesser State annuity, or a less retirement allowance, payable throughout life, with the provisions that—

Option 1.—If he or she die before receiving in payments the present value of his or her member's annuity, State annuity, or retirement allowance as it was at the time of his or her retirement, the balance shall be paid to his or her legal representatives, or to such person, having an insurable interest in his or her life, as he or she shall nominate by written designation, duly acknowledged, and filed with the retirement board at the time of his or her retirement.

Option 2.—Upon his or her death, his or her member's annuity, State annuity, or retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his or her life, as he or she shall nominate by written designation, duly acknowledged, and filed with the retirement board at the time of his or her retirement.

Option 3.—Upon his or her death, one-half of his or her member's annuity, State annuity, or retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his or her life, as he or she shall nominate by written designation, duly acknowledged, and filed with the retirement board at the time of his or her retirement.

Option 4.—Some other benefit or benefits shall be paid to either the contributor or such other person or persons as he or she shall nominate; provided such other benefit or benefits shall, together with such lesser member's annuity, or lesser State annuity, or lesser retirement allowance, be certified by the actuary of the

retirement board to be of equivalent actuarial value, and shall be approved by the retirement board.

Section 9. That section fifteen of said act is hereby amended to read as follows: Section 15,
amended.

Section 15. A member's annuity, a State annuity, or a retirement allowance, granted under the provisions of this act, shall be paid in equal monthly instalments, and shall not be increased, decreased, revoked, or repealed except as otherwise provided in this act. *Where an annuitant has heretofore died or shall hereafter die, and there shall be due to the estate of such annuitant a sum less than one hundred dollars (\$100), and letters testamentary or of administration have not been taken on the estate of such annuitant within six months of death, the board may pay the amount due on the claim of the undertaker, or to any person or persons or political subdivision who or which shall have paid the claim of the undertaker.*

Section 10. This act shall become effective immediately upon its final enactment. When effective.

APPROVED—The 21st day of June, A. D. 1935.

GEORGE H. EARLE.

No. 174

AN ACT

Making it unlawful to tattoo a minor without the consent of the parents or guardian.

Section 1. Be it enacted, &c., That it is unlawful to tattoo any person under the age of twenty-one years without the consent of both the parents of such minor if living, or of one parent if only one is living, or of the legal guardian thereof if such minor is under the care of a guardian. Minors.

Section 2. Any person violating the provisions of this act shall, upon conviction thereof in a summary proceeding, before any alderman or justice of the peace, be sentenced to pay a fine of not over one hundred dollars or to undergo an imprisonment of not more than three months, or both. Penalty.

Section 3. This act shall become effective immediately upon its final enactment. When effective.

APPROVED—The 21st day of June, A. D. 1935.

GEORGE H. EARLE