

collector had not expired: Provided, That the provisions of this act shall not apply to warrants issued prior to the year one thousand eight hundred and ninety-four, and nothing in this act shall release any bondsman or security: Provided, That this act shall not apply to cities having special laws on this subject: Providing also, That no collector or the sureties thereof, who take advantage of this act, shall be permitted to plead the statute of limitations in any action brought to recover the amount of any duplicate or warrant so extended or renewed: Provided further, That no statute of limitations shall prevent the collection of any tax for which the warrants and powers and authorities of the said tax collectors have been so as aforesaid extended, renewed, and revived.

Proviso.

Proviso.

Section 2. This act shall become effective immediately upon its final enactment.

When effective.

APPROVED—The 4th day of June, A. D. 1937.

GEORGE H. EARLE

No. 336

AN ACT

Providing for the creation, maintenance and operation of a county employes retirement system in counties of the third class; and imposing certain charges on counties.

Section 1. Be it enacted, &c., That the following words and phrases, as used in this act, shall be construed to have the following meanings:

Retirement system.

“Board,” the county retirement board created by this act.

Definitions.

“County Employee,” an officer or employe of the county whose salary or compensation is paid on a yearly or monthly basis, and also any officer or employe regularly employed whose compensation is paid on a per diem basis.

“Fund,” the county employes retirement fund created by this act.

“Accumulated Deductions,” the total of the amounts deducted from the salary of a contributor and paid into the fund created by this act and standing to the credit of the members’ annuity reserve account, together with the regular interest thereon.

“Contributor,” any person who has accumulated deductions in the fund created by this act standing to the credit of the members’ annuity reserve account.

“Beneficiary,” any person in receipt of a retirement allowance under this act.

“Prior Service,” all service as a county employe

served not later than December thirty-first preceding the year the retirement system shall be established in any county.

“Original Member,” a county employe who was at any time a member of the retirement system prior to January first of the year the retirement system is established in any county.

“New Member,” a county employe who shall have become a member of the retirement system subsequent to date the retirement system is established in any county.

“Superannuation Retirement Age,” as applied to a contributor, means sixty years of age or upwards.

“Final Salary,” the average annual salary received by a contributor for the five years of service immediately preceding retirement, or in the event a member has not served five years, the total salary received divided by the number of years served.

“Regular Interest,” interest at the rate of three and one-half per centum, compounded annually.

“County Annuity,” payments for life or during disability derived from contributions made by the county.

“Member’s Annuity,” payments for life or during disability derived from contributions made by the contributor.

“Retirement Allowance,” the State annuity plus the member’s annuity.

Retirement
board.

Section 2. County Retirement System and County Retirement Board Created.—A retirement system may be established for county employes by resolution of the county commissioners in any county of the third class which system, when established, shall be administered by a county retirement board, which shall consist of the chairman of the board of county commissioners’ or his representative who shall be its chairman, the county controller or his representative, and one county employe to be selected, from time to time, by the county employes for a term of two years. Each member of the board shall take an oath of office that he will diligently and honestly administer the affairs of the board, and that he will not knowingly violate or permit to be violated any of the provisions of this act. Such oath shall be subscribed by the member taking it and shall be filed among the records of the board. The members of the board shall not receive any compensation for their services, but shall be reimbursed for all expenses necessarily incurred in the performance of their duty.

Oath.

Two members of the board shall constitute a quorum.

The retirement system herein provided for shall be established on the first day of January of the year succeeding the one in which the resolution of the county commissioners was adopted.

Section 3. Personnel Administrative Expenses.—The board may appoint and fix the compensation of an actuary. The controller shall be the secretary of the board and shall receive such compensation for his services as may be fixed by the salary board. The secretary shall keep a record of all of the proceedings of the board, which shall be open to inspection by the public. The expense of the administration of this act, exclusive of the payment of retirement allowances, shall be paid by the county by appropriations made on the basis of estimates submitted by the board.

Actuary.

Secretary to
keep records.

Section 4. Rules and Regulations; Actuarial Data.—The board shall, from time to time, establish such rules and regulations for meetings of the board and for the administration of the county employes retirement fund created by this act, and the various accounts thereof, as may be deemed necessary. It shall keep such data as shall be necessary for actuarial valuation purposes. The actuary of the board shall periodically make an actuarial investigation into the mortality and service experience of the contributors to, and beneficiaries of, the fund, and shall adopt for the retirement system one or more mortality tables, and certify to the board annually the amount of appropriation to be made by the county to the fund to build up and maintain adequate reserves for the payment of the county's share of the retirement allowances provided by this act.

Board to es-
tablish rules.

Section 5. County Employes Retirement Fund.—There is hereby created in each county of the third class, in which a retirement system has been established, a county employes retirement fund which shall consist of all moneys arising from appropriations made by the county and from contributions made by the members of the county employes retirement system and all interest earned by the investments or moneys of the fund created by this act. The moneys contributed by the county shall be credited to a county annuity reserve account and those contributed by the members shall be credited to a members' annuity reserve account, and the interest earnings shall be apportioned to the members' and county annuity reserve accounts. The actuary shall determine the present value of the liability on account of all county annuities payable to original members and the percentage of such liability which shall be contributed by the county each year over a period of fifteen years from the time the system is established until the accumulated reserve equals the present value of said liability. All such contributions shall be credited to the county annuity reserve account. The actuary shall also determine the amount which shall be contributed by the county into the fund periodically for credit to the county annuity reserve account on account of ser-

Fund to consist
of appropriations
by the county
and contribu-
tions by em-
ployes.

vice of all new and original members subsequent to the time the retirement system is established.

Each member of the retirement system shall be required to contribute to the fund such per centum of his salary, as shall be computed by the actuary, to be sufficient, with regular interest, to procure for him on superannuation retirement one one-hundred-twentieth (1-120) of his final salary for each year of service after December thirty-first preceding the year the retirement system is established, which contributions shall be paid into the fund through payroll deductions in such manner as the board may require. All contributions by members shall be credited to the members' annuity reserve account.

Funds to be in the custody of county treasurer.

Section 6. Custody of, and Payments from, Fund.—All moneys and securities in the fund created by this act shall be placed in the custody of the county treasurer for safekeeping, and all payments from said fund on account of retirement allowances, shall be made only on requisition signed by the chairman and secretary of the board.

Board to be trustees of the fund.

Section 7. Management and Investment of Fund.—The members of the board shall be trustees of the fund created by this act and shall have exclusive management of said fund with full power to invest the moneys therein subject to the terms, conditions, limitations and restrictions imposed by law upon fiduciaries. Subject to like terms, conditions, limitations and restrictions said trustees shall have power to hold, purchase, sell, assign, transfer or dispose of any of the securities and investments in said funds, as well as the proceeds of said investments and of the moneys belonging to said fund.

The board shall annually allow regular interest on the mean amount for the preceding year to the credit of each of the accounts created in accordance with the provisions of this act. The amount so allowed shall be credited to each contributor's account.

Each county employe must join system.

Section 8. Compulsory Membership.—Each county officer may and each county employe shall be required to become a member of the retirement system established by this act at such date as may be specified in the resolution establishing the retirement system, and thereafter when first becoming a county employe. Those becoming members prior to January first of the year the retirement system is established, shall be known as original members, and those becoming members after said date as new members: Provided, however, That if any person who becomes a county employe subsequent to January first of the year the retirement fund was established, shall have been at any time theretofore a county employe, he shall receive credit for the service prior to

Proviso.

January first of the year the system was established, and shall be known as an original member.

Section 9. County Guarantee; Annual Budgets.— The regular interest charges payable and the creation and maintenance of the necessary reserves for the payment of the county and members' annuities in accordance with this act, are hereby made obligations of the county. The board shall prepare and submit to the county commissioners, on or before the first day of November of each year, an itemized estimate of the amounts necessary to be appropriated by the county to complete the payment of the obligations of the county during the next fiscal year.

Interest charges, etc., made obligations of the county.

Section 10. Service Allowance.—In computing the length of service of a contributor for retirement purposes, full credit shall be given to each original member for each year of service rendered to the county prior to January first of the year the retirement system was established. As soon as practicable, the retirement board shall issue to each original member a certificate certifying the aggregate length of his service prior to January first of the year the retirement system was established. Such certificate shall be final and conclusive as to his prior service unless thereafter modified by the board upon application of the member. The time during which a member is absent from service without pay shall not be counted in computing the service of a contributor unless allowed by the county commissioners and approved by the board.

Retirement allowance.

Section 11. Superannuation Retirement Allowance.— Any contributor who has reached superannuation retirement age may retire for superannuation by filing with the board a written statement duly signed by the contributor setting forth at what time he desires to be retired. Said application shall retire said contributor at the time so specified.

On retirement for superannuation, a beneficiary shall receive a retirement allowance which shall consist of, (a) a member's annuity which shall be the actuarial* equivalent of his accumulated deductions standing to his credit in the members' annuity reserve account, and (b) a county annuity equal to one one-hundred-twentieth (1-120) of his final salary multiplied by each year of total service and in addition thereto in the case of an original member one one-hundred-twentieth (1-120) of his final salary multiplied by each year of prior service, but the total county annuity shall never exceed fifty per centum of the final salary.

Section 12. Options on Superannuation Retirement.—At the time of his superannuation retirement, any beneficiary may elect to receive his retirement allow-

Options.

* "acturial" in the original.

ance payable throughout life, or if such retirement allowance shall amount to less than ten dollars per month, he may elect to receive the full amount of the accumulated deductions standing to his individual credit in the member's annuity reserve account, or he may in any event elect to receive the actuarial* equivalent of his member's and county annuity in a lesser retirement allowance payable throughout life with provisions that—

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

Option Two. Upon his death his member's annuity and county annuity shall be continued through the life of and paid to such person having an insurable interest in his life as he shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his retirement.

Option Three. Upon his death one-half of his member's and county annuity shall be continued through the life of and paid to such person having an insurable interest in his life as he shall nominate by written designation duly acknowledged and filed with the board at the time of his retirement.

Involuntary
retirement.

Section 13. Involuntary Retirement Allowances.—Should a contributor be discontinued from service not voluntarily, after having completed ten years of total service, but before reaching superannuation retirement age, he shall be paid as he may elect, as follows: (a) The full amount of the accumulated deductions standing to his credit in the members' annuity reserve account; or (b) a member's annuity of equivalent actuarial value to his accumulated deductions standing to his credit in the members' annuity reserve account, and in addition a county annuity having a value equal to the present value of a county annuity beginning at superannuation retirement age, as provided in this act with respect to county annuities for superannuation retirement. The same options shall be available to beneficiaries in case of involuntary retirement as provided herein in the case of superannuation retirement.

Total dis-
ability.

Section 14. Total Disability Retirement Allowance.—If a contributor after five years of service as a county employe is disabled while in service and is unable to continue as a county employe as shown by medical examination, he shall be paid a retirement allowance of twenty-five per centum of his final salary which shall

* "actuarial" in the original.

be payable one-third from the members annuity reserve account and two-thirds from the county annuity reserve account.

Section 15. Payment of Balances Where Disability Annuitant Dies.—Should a person receiving a disability retirement allowance die before receiving a total allowance equal to the amount standing to his credit in the member's annuity reserve account at the time of retirement, there shall be paid to his estate or beneficiary the difference between such credit and the total retirement allowance received.

Where disability annuitant dies, sum payable to beneficiary or estate.

Section 16. Monthly Payments of Retirement Allowances.—The retirement allowances granted under the provisions of this act shall be paid in equal monthly installments and shall not be increased, decreased, revoked or repealed, except as otherwise provided in this act. All members annuities shall be payable from the members annuity reserve account, and all county annuities from the county annuity reserve account.

Allowances payable monthly.

Section 17. Refunds in Case of Withdrawal or Death.—Where a contributor resigns from service or where a contributor has died then the amount standing to the credit of the contributor in the members' annuity reserve account shall be paid to him or his estate or to the person named in any beneficiary certificate filed by the contributor with the board. When a contributor or a beneficiary has died and there shall be due to the estate of such contributor or beneficiary a sum less than one hundred dollars, and letters testamentary or of administration have not been taken out on the estate of such contributor or beneficiary 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.

Withdrawal or death.

Section 18. Exemption from Taxation and Execution, Etc.—The right to a member's annuity, or a county annuity, or to the return of contributions, shall be exempt from any State or municipal tax and from levy, sale, garnishment, attachment or any other process whatsoever and shall be unassignable.

Member's annuity exempt from taxation.

Section 19. Fraud; Correction of Errors.—Any person who shall knowingly make any false statement, or shall falsify or permit to be falsified, any record or records of the retirement system herein established in any attempt to defraud such system, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding one thousand dollars, or suffer imprisonment not exceeding one year, or both, in the discretion of the court.

Criminal provisions.

Should any such change in records fraudulently made or any mistake in records inadvertently made, result in

any contributor or beneficiary receiving more or less than he would have been entitled to had the records been correct, then on the discovery of such error the board shall correct such error and shall adjust the payments which shall be made to the contributor or annuitant in such manner that the actuarial equivalent of the benefit to which he was correctly entitled shall be paid.

When effective.

Section 20. This act shall become effective on the first day of July, one thousand nine hundred and thirty-seven.

APPROVED—The 4th day of June, A. D. 1937.

GEORGE H. EARLE

No. 337

AN ACT

To amend subsection (c) paragraphs (3), (6), and (8) of section two hundred and two of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, six hundred eighty-two), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by extending the purposes for which certain companies may be incorporated to include indemnifying banks, bankers, brokers, or financial or moneyed associations or corporations against the loss of property as specified herein, and also against loss resulting from damage to the insured's premises, and other property, from certain causes, and against loss of property as specified herein during transportation by an armored motor vehicle under certain conditions; insuring against loss or damage resulting from the breakage of glass; insuring against loss or damage by robbery, fraud, vandalism or malicious mischief; insuring against any and all kinds of loss or destruction of or damage to moneys, securities, currencies, scrip, coins, bullion, bonds, notes, drafts, acceptance drafts, bills of exchange, and other valuable papers or documents; insuring against loss or damage to automobiles and aircraft by burglary, larceny or theft, vandalism or malicious mischief, confiscation or wrongful conversion, and disposal or concealment; and insuring against loss or damage to any goods or premises by water or other fluid.

Paragraphs 1, 3,
6 and 8 of section
202, act of
May 17, 1921
(P. L. 682),
amended.

Section 1. Be it enacted, &c., That subsection (c), paragraphs (1), (3), (6), and (8) of section two hundred and two of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, six hundred eighty-two), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of in-