

XXVIII. Abandoned Cemeteries.—When any cemetery or burial ground, incorporated or unincorporated, is abandoned, or is being neglected although occasionally used for burial purposes, either of the following actions may be taken :

(1) The township supervisors may give notice to the owner thereof, directing him to remove the weeds, refuse and debris therefrom within thirty days. If the weeds, refuse and debris are not removed within thirty days after such notice, the supervisors shall cause the same to be done by employes of the township or persons hired for the purpose at the expense of the township. In no case shall the township supervisors expend more than [one] two hundred dollars in any one year on any one cemetery. All costs and expenses of such removal shall be a debt owed to the township by the owner of the cemetery or burial ground, and may be collected therefrom as like debts are collected, or (2) the court of quarter sessions of the county, upon petition of twenty-five residents of the township wherein such cemetery is located, may direct the supervisors to care for such cemetery at a cost of not more than [one] two hundred dollars in any one year. The supervisors shall expend moneys from the general township fund for such purpose. Such cemetery shall remain open to the public under the regulation and control of the supervisors.

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APPROVED—The 28th day of April, A. D. 1961.

DAVID L. LAWRENCE

No. 78

AN ACT

Amending the act of June 1, 1959 (P. L. 392), entitled "An act relating to the retirement of State employes; amending, revising, consolidating and changing the laws relating thereto," further defining compensation and final average salary in the case of certain members of the General Assembly.

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

State Employes' Retirement Code of 1959.

Clauses (15) and (19), section 102, act of June 1, 1959, P. L. 392, and clause (19), amended August 4, 1959, P. L. 621, further amended.

Section 1. Clauses (15) and (19) of section 102, act of June 1, 1959 (P. L. 392), known as the "State Employes' Retirement Code of 1959," clause (19), amended August 4, 1959 (P. L. 621), are amended to read:

Section 102. Definitions.—The following words and phrases as used in this act, unless a different meaning is plainly required by the context, shall have the following meanings:

* * * * *

(15) "Compensation" shall mean, (i) in the case of State employes other than members of the General Assembly and officers and employes of the Pennsylvania State Police, all compensation received, including all overtime or other extra compensation and maintenance allowances but excluding refunds for expenses incidental to employment, (ii) in the case of members of the General Assembly, six thousand dollars (\$6,000), *and in the case of a constitutional officer of the General Assembly, his salary as a member of the General Assembly and any additional compensation provided by law for regular, special and extraordinary sessions of the General Assembly exclusive of expense and contingency allowances*, (iii) in the case of officers and employes of the Pennsylvania State Police, all compensation received exclusive of maintenance allowances and expenses.

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(19) "Final average salary" shall mean, (i) in the case of State employes other than members of the General Assembly, officers and employes of the Pennsylvania State Police and contributors with credit for multiple service, the highest average annual compensation received by a contributor as a State employe during any five (5) nonoverlapping periods of twelve (12) consecutive months of *contributory service, (ii) in case of members of the General Assembly *who have not served as constitutional officers of the General Assembly*, six thousand dollars (\$6,000) *and in the case of members of the General Assembly who have served as constitutional officers of the General Assembly, the highest annual average compensation received during any five (5) non-overlapping periods of twelve (12) consecutive months of contributory service*, (iii) in the case of officers and employes of the Pennsylvania State Police, the average annual compensation earned by a contributor before any deductions have been made and exclusive of maintenance allowances and expenses for the five (5) years of service immediately preceding retirement, or in the event a member has not served five (5) years, the total compensation earned divided by the number of years served.

In the case of any contributor with credit for multiple service, final average salary shall mean the highest average annual compensation received by a contributor as a State employe or a school employe during any five (5) nonoverlapping periods of twelve (12) consecutive months of contributory service.

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Section 2. This act shall take effect immediately.

Act effective
immediately.

APPROVED—The 28th day of April, A. D. 1961.

DAVID L. LAWRENCE

* "contributory" in original.