

No. 167

AN ACT

To further amend clauses six, seven, nine, and ten of section one, to add clause nine to section eight, and to further amend clause two of section eleven, of the act, approved the twenty-seventh day of June, one thousand nine hundred and 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," authorizing certain clerks and secretaries appointed by judges to become members of said retirement system; opening the system further for original and new members; permitting members to change the class for the making of deductions and for retirement purposes; and extending the time for returning employes to re-enter the system.

Section 1. Be it enacted, &c., That clauses six and seven of section one of the act, approved the twenty-seventh day of June, one thousand nine hundred and 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," which was amended by section one of the act, approved the twenty-sixth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, eight hundred forty-four), entitled "An act to amend sections one, and three as amended, and section eleven of the act, approved the twenty-seventh day of June, one thousand nine hundred and 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

State Employes'
Retirement
System.

Clauses 6 and 7,
section 1, act of
June 27, 1923 (P.
L. 853) as
amended by section
1, act of
April 26, 1929 (P.
L. 844) and section
1, act of
May 14, 1929 (P.
L. 1723), further
amended.

departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties,' providing for admission to the retirement system of judges, permitting certain new State employes to decline to become members; further regulating withdrawals and the calculation of annuities; and repealing the act, approved the twelfth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, four hundred sixty-one), entitled 'An act to provide for the removal or retirement of judges of the Supreme, Superior, common pleas, orphans', municipal, and county court, permanently disqualified by reason of physical or mental disability to perform their regular judicial functions or duties, and providing for the payment of compensation to them during the balance of the term for which they may have been elected, and in certain cases for the remainder of their lives after resignation or retirement, and for filling the vacancies caused thereby; providing for judges who have been retired or who may have retired or resigned under provisions of previous acts or otherwise, and repealing certain acts,' except so far as it relates to retired judges and those in office on a named date who may elect to retire thereunder or who may be retired thereunder by the Governor," and which was also amended by section one of the act, approved the fourteenth day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand seven hundred twenty-three), entitled "An act to amend sections one and six as amended, and sections four, eight, nine, eleven, sixteen, seventeen, and paragraph six of section seven of an 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,' providing for the abolishment of the expense fund, and for the consolidation of the other funds of the State employes' retirement system into one fund, and for payments therein through the Department of Revenue, and creating ledger accounts in lieu of the funds consoli-

dated into one fund," are hereby further amended to read as follows:

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

"State employe," defined.

Clerks and secretaries employed by judges included.

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.

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.

"Head of the Department," defined.

Judges included.

Clauses 9 and 10, section 1, as amended by act of April 26, 1929 (P. L. 844) and act of May 14, 1929 (P. L. 1723), further amended.

"Original member," defined.

Time extended.

7. "Head of the Department," as applied to State employes, shall mean the head of the department or branch of service not a department of the Commonwealth of Pennsylvania of which the State employe is a member, *and shall include all judges of the several courts of this Commonwealth whose salaries are paid by the Commonwealth.*

Section 2. That clauses nine and ten of section one, which was amended by said amending acts, approved the twenty-sixth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, eight hundred forty-four), and the fourteenth day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand seven hundred twenty-three), is hereby further amended to read as follows:

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 and twenty-five, whether or not such employment has been continuous, and who shall have become a member of the retirement association on or before [October first, one thousand nine hundred and twenty-nine.] *December thirty-first, one thousand nine hundred and thirty-one.*

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.

Original member of the retirement association shall also mean any judge in service on the second Monday of January, one thousand nine hundred and 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.

"New Member," defined.

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, nineteen hundred twenty-four; and, in the case of a judge, shall mean any judge who [is] 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 continued until the amount thereof shall be paid in full, except that payment of such deduction increase may be anticipated in full by the member at any time.

Subsequent
joiners.

Increase of pay-
roll deduction.

Section 3. That section eight of said act, which was amended by section five of said amending act, approved the fourteenth day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand seven hundred twenty-three), is hereby further amended, by adding thereto the following clause (9), to read as follows:

Section 8 as
amended by act of
May 14, 1929 (P.
L. 1723), further
amended by add-
ing clause (9).

(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.*

Contributor may
transfer from
lower to higher
class.

Time.

Age for compu-
tation of salary
deduction.

Section 4. That clause two of section eleven, which was amended by said amending acts, approved the twenty-sixth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, eight hundred forty-four), and the fourteenth day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand seven hundred twenty-three), is hereby further amended to read as follows:

Clause 2, section
11 as amended by
act of April 26,
1929 (P. L. 844),
and act of May
14, 1929 (P. L.
1723), further
amended.

Time extended for reentering system.

(2) Should a State employe, so separate from his or her service as State employe, return within [five] *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.

When effective.

Section 5. This act shall be in effect immediately upon its approval by the Governor.

APPROVED—The 12th day of June, A. D. 1931.

GIFFORD PINCHOT

No. 168

AN ACT

To amend article eleven of the act, approved the fourteenth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, seven hundred sixty-two), entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth, except in counties of the first and second class; and revising, amending, consolidating, and changing the law relating thereto," by authorizing the directors to make temporary loans to meet unusual expenditures; and providing for the payment of such loans.

The General Poor Relief Act of 1925.

Article XI, act of May 14, 1925 (P. L. 762), amended.

Section 1. Be it enacted, &c., That article eleven of the act, approved the fourteenth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, seven hundred sixty-two), entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all countries of the Commonwealth, except in counties of the first and second class; and revising, amending, consolidating, and changing the law relating thereto," is hereby amended by adding thereto a new section, to be known as section two hundred and twenty-five, and to read as follows.

Section 225. Temporary Loans.—For the purpose of meeting unusual or unforeseen demands for maintenance or support of the poor of the district and expenditures in the operation of the district arising therefrom, the directors may borrow money and give temporary notes therefor. Such temporary notes shall not be for a longer period than six months, shall not bear interest at a higher rate than six per centum, shall not be negotiated for less than par. The amount of such temporary loans shall be included in the requisition of