

ding, storage and distribution of surplus foods obtained either through a local, State or Federal agency, are hereby validated.

Repeals.

Section 3. The act of May 6, 1955 (P. L. 43), entitled "An act amending the act of May two, one thousand nine hundred twenty-nine (Pamphlet Laws 1278), entitled 'An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto,' authorizing the appropriation of moneys out of county funds or county institution district funds for the handling, storage and distribution of certain surplus foods and validating appropriations heretofore made," is repealed.

The act of May 11, 1955 (P. L. 54), entitled "An act amending the act of May two, one thousand nine hundred twenty-nine (Pamphlet Laws 1278), entitled 'An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto,' authorizing the county commissioners to appropriate moneys to certain associations for repair and maintenance of property used for county fairs," is repealed.

The act of September 27, 1955 (P. L. 595), entitled "An act amending the act of May two, one thousand nine hundred twenty-nine (Pamphlet Laws 1278), entitled 'An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto,' extending the definition of 'deceased service persons' to include service personnel serving in an armed conflict," is repealed.

APPROVED—The 8th day of July, A. D. 1957.

GEORGE M. LEADER

No. 305

AN ACT

Amending the act of January 5, 1952 (P. L. 1833), entitled, as amended, "An act to provide for the coverage of certain officers and employes of the Commonwealth and its political subdivisions under the old-age and survivor insurance provisions of Title II of the Federal Social Security Act, as amended; creating the State Agency and conferring powers and imposing duties upon the State Agency; authorizing the State Agency to enter into agreements with the Federal Secretary of Health, Education and Welfare and with political subdivisions or instrumentalities thereof under certain terms and conditions; providing for the Commonwealth's contribution under agreements with the Federal Secretary of Health, Education and Welfare and

for the collection and payment of employer and employe contributions; authorizing interstate cooperation in certain cases; creating a Contribution Fund; and making appropriations," substituting tax payments prescribed by the Federal Insurance Contributions Act for fixed percentages, clarifying provisions relating to referenda and certification, and removing the limitation on retirement benefits.

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

Social Security.

Section 1. Clause (2) of subsection (a) of section 4 of the act of January 5, 1952 (P. L. 1833), entitled, "An act to provide for the coverage of certain officers and employes of the Commonwealth and its political subdivisions under the old-age and survivor insurance provisions of Title II of the Federal Social Security Act, as amended; creating the State Agency and conferring powers and imposing duties upon the State Agency; authorizing the State Agency to enter into agreements with the Federal Secretary of Health, Education and Welfare and with political subdivisions or instrumentalities thereof under certain terms and conditions; providing for the Commonwealth's contribution under agreements with the Federal Secretary of Health, Education and Welfare and for the collection and payment of employer and employe contributions authorizing interstate cooperation in certain cases; creating a Contribution Fund; and making appropriations," reenacted and amended June 1, 1956 (P. L. 1973), is amended to read:

Clause (2), subsection (a), section 4, act of January 5, 1952, P. L. 1833, reenacted and amended June 1, 1956, P. L. 1973, further amended.

Section 4 (a) * * *

* * * * *

(2) The Commonwealth will pay to the Federal Agency, at such time or times as prescribed by the applicable Federal law and by regulations promulgated thereunder, contributions with respect to wages (as defined in section two of this act), [equal to a sum] not in excess of [three percent (3%) of such wages received during the calendar years one thousand nine hundred fifty-one-one thousand nine hundred fifty-three inclusive; four per cent (4%) of such wages received during the calendar years one thousand nine hundred fifty-four-one thousand nine hundred fifty-nine inclusive; five percent (5%) of such wages received during the calendar years one thousand nine hundred sixty-one thousand nine hundred sixty-four inclusive; six percent (6%) of such wages received during the calendar years one thousand nine hundred sixty-five-one thousand nine hundred sixty-nine inclusive; seven percent (7%) of wages received during the calendar years one thousand nine hundred seventy-one thousand nine hundred seventy-four inclusive; and eight percent (8%) of wages received during the calendar year one thousand

nine hundred seventy-five and thereafter.] *the sum of taxes on employes and taxes on employers prescribed under the provisions of the Federal Insurance Contributions Act.* The actual amount of the contributions to be made under the provisions of this clause shall be the amount necessary to carry out the provisions of this act and the agreement entered into in accordance therewith, which amounts shall, from time to time, be determined by the State Agency, subject to the limitations herein prescribed.

Section 6.1 of the act, added June 1, 1956, P. L. 1973, further amended.

Section 2. Section 6.1 of the act, as added by the act of June 1, 1956 (P. L. 1973), is amended to read:

Section 6.1. Referenda and Certification.—(a) With respect to employes of the Commonwealth and employes of instrumentalities thereof who are members of the State employes retirement system, *other than those who have elected membership in the division of the retirement system established for those members, who have filed with the retirement board a written statement that they do not elect Social Security coverage under any agreement with the Federal Secretary of Health, Education and Welfare entered into by the Commonwealth, or who have not filed any statement with the retirement board,* the Governor is empowered to authorize a referendum. [with] *With* respect to employes of any political subdivision other than an instrumentality of the Commonwealth whose employes are members of the State employes retirement system or a school district or vocational school district or joint school system, he shall authorize a referendum upon request of the governing body of the subdivision. With respect to the employes of school district or vocational school districts or joint school systems of the Commonwealth, the Governor shall authorize a referendum for the eligible membership of the public school employes retirement system, *other than those who have elected membership in the division of the retirement system established for those members, who have filed with the retirement board a written statement that they do not elect Social Security coverage under any agreement with the Federal Secretary of Health, Education and Welfare entered into by the Commonwealth or who have not filed any statement with the retirement board,* unless within sixty days of the issuance of official information concerning this act, including the liabilities to which any will be subject by the State agency, the governing bodies of at least forty per centum (40%) of the total number of school districts and vocational school districts shall notify the State agency, on a form to be supplied by it, that they do not desire a referendum to be held. Any referendum shall be conducted and the Governor shall designate a

agency or individual to supervise its conduct in accordance with the requirements of section 218 (d) (3) of the Social Security Act, on the question of whether service in positions covered by a retirement system established by the Commonwealth or by a political subdivision or instrumentality thereof should be excluded from, or included under, an agreement under this act. [The notice of referendum required to be given to employes shall contain or shall be accompanied by] *Information shall be given to all the members of the retirement system and shall contain* a statement in form and detail as the agency or individual designated to supervise the referendum shall deem necessary to inform the [employes] *members of the retirement system* of the rights which will accrue to them and their dependents and survivors, and the liabilities to which they will be subject if their services are included under an agreement under this act and of the changes, if any, proposed to be made in the provisions of their pension or retirement system at the time the agreement is entered into. The information shall be sufficient to illustrate to the [eligible employe] *member of the retirement system* the total combined costs and benefits which will accrue from social security and the pension or retirement system or the proposed modifications thereof.

(b) Upon receiving evidence satisfactory to him that with respect to any referendum the conditions set forth in section 218 (d) (3) of the Social Security Act have been met, the Governor shall so certify to the Federal Secretary of Health, Education and Welfare.

(c) Immediately after a favorable referendum of the eligible members of the public school employes retirement association, the services of all *such* employes of all school districts, vocational school districts and joint schools shall be included under the agreement with the Secretary of Health, Education and Welfare for the extension of old age and survivor's insurance protection as provided in the Federal Social Security Act. There shall likewise be included under such agreement the services of all other *such* employes in departments of the Commonwealth, who perform services in positions which are eligible for coverage under the public school employes retirement laws as well as any *such* eligible members of the public school retirement association not otherwise included by this subsection.

Section 3. Section 6.3 of the act, as added by act of June 1, 1956 (P. L. 1973), is amended to read:

Section 6.3. Limitation on Retirement Benefits; Political Subdivisions.—Where the laws providing for administration of retirement system established by the Commonwealth or a political subdivision in a given class

Section 6.3 of the act, added June 1, 1956, P. L. 1973, further amended.

of subdivision do not require the modification of a system upon the extension of social security coverage [and whether or not a retirement plan is modified under the provisions of this act], the total sum to be received monthly from the retirement system and from social security by each member following retirement shall not be more than eighty percent (80%) of average or final salary as defined by the law governing such system. This limitation shall not apply where it would reduce that portion of the retirement allowance of a member based on credits earned prior to the effective date of an agreement under this act.

APPROVED—The 8th day of July, A. D. 1957.

GEORGE M. LEADER

No. 306

AN ACT

Amending the act of July 28, 1953 (P. L. 723), entitled "An act relating to counties of the second class; amending, revising, consolidating and changing the laws relating thereto," authorizing appropriations out of county funds or county institution district funds for the handling, storage and distribution of surplus foods and validating appropriations heretofore made.

Second Class
County Code.

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

Article XXI,
act of July 28,
1953, P. L. 723,
amended by
adding a new
subdivision (n).

Section 1. Article XXI., act of July 28, 1953 (P. L. 723), known as the "Second Class County Code," is amended by adding, at the end thereof, a new subdivision to read:

(n) *Surplus Foods*

Section 2198. Appropriations for Handling, Storage and Distribution of Surplus Foods.—The board of commissioners may appropriate from county funds, or from county institution district funds, moneys for the handling, storage and distribution of surplus foods obtained either through a local, State or Federal agency.

Validation of
prior appropri-
ations.

Section 2. All appropriations of moneys heretofore made by the board of commissioners of any county of the second class out of county funds, or county institution district funds, for the handling, storage or distribution of surplus foods obtained either through a local, State or Federal agency are hereby validated.

Act effective
immediately.

Section 3. This act shall take effect immediately.

APPROVED—The 8th day of July, A. D. 1957.

GEORGE M. LEADER