

Section 17.4 of the act, added April 20, 1956, P. L. 1489, further amended.

Section 4. Section 17.4 of the act, added April 20, 1956 (P. L. 1489), is amended to read:

Section 17.4. Reinstatement on Return to County Employment.—Any contributor separated from county employment by dismissal, resignation, or any other reason, except death or retirement, or any county officer having legally withdrawn from the retirement system, who within [five] *twelve* years from the date of such dismissal, registration or withdrawal or within six months after the effective date of this amendment, whichever is later, returns to county employment and restores to the retirement fund to the credit of the members' annuity reserve account his accumulated deductions as they were at the time of separation, shall have the annuity rights forfeited by him restored. Such payments may be made either in a lump sum or by installments, but in no event shall the installments be less than sufficient to pay such amount by the time the member attains superannuation retirement age.

Section 18 of the act amended.

Section 5. Section 18 of the act is amended to read:

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, *except for any indebtedness due the county or the institution district arising out of embezzlement or fraudulent conversion by a member of the retirement fund against the respective county or the institution district of which the same member is employed.*

APPROVED—The 28th day of August, A. D. 1959.

DAVID L. LAWRENCE

No. 276

AN ACT

Amending the act of July 8, 1941 (P. L. 298), entitled "An act authorizing the creation of, and providing for, and regulating the maintenance and operation of a county employes' retirement system in counties of the fourth class, imposing certain charges on counties, and fixing penalties," defining "county employe," setting the time for designating a beneficiary, increasing the period of time during which a contributor may be reinstated, increasing the total disability retirement allowance and limiting the exemption on execution.

Fourth Class
County Retirement
Law.

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

Section 1. The definition of "county employe" in section 2, act of July 8, 1941 (P. L. 298), known as the "Fourth Class County Retirement Law," amended May 28, 1943 (P. L. 789), is amended to read:

Definition of county employe, section 2, act of July 8, 1941, P. L. 298, amended May 28, 1943, P. L. 789, further amended.

Section 2. Definitions.—The following words and phrases as used in this act shall be construed to have the following meanings:

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"County employe," any person, whether elected or appointed, who is employed by the county, the county institution district, in the county prison, or in any other institution maintained by the county from county moneys, whose salary or compensation is paid in regular periodic installments, *or from fees collected from his office*, but shall not include any person paid on a per diem basis, *nor shall it include any person to the extent that the total of the salary and fees exceed the highest salary paid to any elected county official*. In all cases of doubt the board shall determine whether a person is an employe within the meaning of this act.

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Section 2. Section 13 of the act, amended October 7, 1955 (P. L. 680), is amended to read:

Section 13 of the act, amended October 7, 1955, P. L. 680, further amended.

Section 13. Options on Superannuation Retirement.—At the time of his superannuation retirement any beneficiary may elect to receive either his retirement allowance payable throughout life, or to receive the full amount of the accumulated deductions standing to his individual credit in the member's annuity reserve account at the time of his voluntary or involuntary retirement, 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 *or at any time thereafter*.

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.

Section 14.1 of the act, amended May 23, 1957, P. L. 194, further amended.

Section 3. Section 14.1 of the act, amended May 23, 1957 (P. L. 194), is amended to read:

Section 14.1. Reinstatement on Return to County Employment.—Should a contributor by resignation or dismissal, or in any other way than by death or retirement, separate from county employment, or should a county officer legally withdraw from the retirement system and return to county employment and seek reinstatement in the retirement fund within [ten] *twelve* years of such withdrawal, resignation or dismissal and restore to the retirement fund, to the credit of the member's annuity reserve account, his accumulated deductions as they were at the time of separation, the annuity rights forfeited by him shall be restored. Such payments may be made either in a lump sum or by installments but in no event shall such payments be made in installments less than sufficient to pay such amount by the time the member attains superannuation retirement age.

Sections 15 and 20 of the act amended.

Section 4. Sections 15 and 20 of the act are amended to read:

Section 15. Total Disability Retirement Allowance.—If a contributor after five years of service as a county employe and before reaching superannuation retirement age 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 consisting of a county annuity of [twenty] *twenty-five* per centum of his average salary and a member's annuity which shall be the actuarial equivalent of his accumulated deductions standing to his credit in the members' annuity reserve account.

Section 20. Exemption from Taxation and Execution, etc.—The right to a members' annuity or a county annuity or to the return of contribution shall be exempt from any State or municipal tax and from levy, sale, garnishment, attachment or any other process whatsoever, and shall be unassignable, *except for any indebtedness due the county or the institution district arising out of embezzlement or fraudulent conversion by a member of the retirement fund against the respective county or the institution district of which the same member is employed.*

APPROVED—The 28th day of August, A. D. 1959.

DAVID L. LAWRENCE