

No. 277

AN ACT

Amending the act of August 5, 1941 (P. L. 803), entitled, as amended, "An act providing for the creation, maintenance and operation of a county employes' retirement system in counties of the fifth, sixth, seventh and eighth class; imposing certain charges on counties, and prescribing penalties," defining "County Employe," "Original Member" and "New Member," providing for compulsory membership and the method of making monthly payments, increasing the period of time during which a contributor may be reinstated, and limiting the exemption on execution.

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

Section 1. The definition of "County Employe" in section 1, act of August 5, 1941 (P. L. 803), entitled, as amended, "An act providing for the creation, maintenance and operation of a county employes' retirement system in counties of the fifth, sixth, seventh and eighth class; imposing certain charges on counties, and prescribing penalties," reenacted and amended May 2, 1949 (P. L. 881) and amended May 10, 1951 (P. L. 233), is amended to read:

Employes' retirement system: counties of the 5th, 6th, 7th and 8th class.

Definition of county employe, section 1, act of August 5, 1941, P. L. 803, reenacted and amended May 2, 1949, P. L. 881, and amended May 10, 1951, P. L. 233, further amended.

Section 1. The following words and phrases as used in this act, unless a different meaning is plainly required by the context, shall be construed to have the following meanings:

* * * * *

"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, or who is employed by any county or State official and paid by such official from moneys appropriated by the county for such purpose, whose salary or compensation is paid in regular periodic installments or from fees collected by 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 and its decision shall be final.

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Section 2. The definitions of "Original Member" and "New Member" in section 1 and section 8 of the act, amended May 23, 1949 (P. L. 1688), are amended to read:

Definitions of original member and new member, section 1 and section 8 of the act amended May 23, 1949, P. L. 1688, further amended.

Section 1. The following words and phrases as used in this act, unless a different meaning is plainly required by the context, shall be construed to have the following meanings:

* * * * *

“Original Member,” a member who was a county employe on the date of establishment of the retirement system in said county [or a county officer whose term of service began after the establishment of the retirement system and who had previously held an elective office in said county prior to the date of the establishment of the retirement system therein].

“New Member,” a member who shall have become a member of the retirement system after the date of establishment of the retirement system in said county [except a county officer whose term of service began after the date of the establishment of the retirement system in said county and who had held an elective office therein prior to the date of the establishment of the retirement system in said county].

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Section 8. Compulsory Membership.—Each county officer may, and each county employe shall be required to, become a member of the retirement system established under the provisions of 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 on the date of establishment of the retirement system shall be known as original members, and those becoming members after said date as new members: Provided, however, That if any person becomes a county [officer] employe subsequent to the first Monday of January of the year the retirement fund was established who shall have been at any time theretofore [serving in an elective county office] *an employe of the county*, he shall receive credit for the service prior to the first Monday of January of the year the system was established and shall be known as an original member *if said employe shall contribute to the fund the amount which he would have contributed if the retirement system had been in effect during such previous employment.*

Section 16 of the act, reenacted and amended May 2, 1949, P. L. 881, further amended.

Section 3. Section 16 of the act, reenacted and amended May 2, 1949 (P. L. 881), is amended to read:

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.]

Section 4. Section 17.5 of the act, added July 10, 1957 (P. L. 629), is amended to read:

Section 17.5 of the act, added July 10, 1957, P. L. 629, amended.

Section 17.5. 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, resignation 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 5. Section 18 of the act, reenacted and amended May 2, 1949 (P. L. 881), is amended to read:

Section 18 of the act, reenacted and amended May 2, 1949, P. L. 881, further amended.

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. 278

AN ACT

Amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," authorizing the sale of newspapers on Sundays.

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

The Penal Code.