

business is proper, the board shall issue a special temporary permit to the applicant. Only one permit shall be in effect on any premises in which professional athletes compete in sporting events at any time and shall be limited to the duration of the respective sports seasons including post season sporting events.

(d) No permit shall be transferable or assignable. Each permit shall state on its face the period during which it is valid. Whenever a permit is revoked, another may be issued for the same premises to another applicant upon compliance with the provisions of this section.

*(e) The board shall have the power to refuse the issuance of any permit for cause, and to revoke or suspend any permit for cause or for any violation of the liquor or malt and brewed beverage laws. Any applicant or holder of a permit aggrieved by any ruling *of the board or by its refusal to issue a permit, or by its suspension or revocation thereof, shall have the right to a hearing and appeal therefrom in the same manner as provided in sections 464 and 471 of this act authorizing appeals from orders of the board.*

Section 2. All acts and parts of acts are repealed in so far as they are inconsistent herewith. General repeal.

Section 3. This act shall take effect immediately. Act effective immediately.

APPROVED—The 10th day of July, A. D. 1961.

DAVID L. LAWRENCE

No. 276

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," requiring retirement credit to be given for certain per diem employment.

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

Section 1. The definition of "County Employee" in section 1 and section 8, 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,

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

Definition of "County Employee," section 1 and section 8, act of August 5, 1941, P. L. 803, reenacted and amended May 2, 1949, P. L. 881, and amended August 28, 1959, P. L. 775, further amended.

* "or" in original.

1949 (P. L. 881) and amended August 28, 1959 (P. L. 775) are amended to read:

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 *except as hereafter provided* 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 8. Compulsory Membership.—Each county officer, *including county officers whose compensation is fixed by law on a per diem basis*, may, and each county employe, *except any county officer whose compensation is fixed by law on a per diem basis*, 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] *If any person becomes a county employe or officer subsequent to the first Monday of January of the year the retirement fund was established who shall have been at any time theretofore an employe or officer 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 *or officer* 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 2. Section 10 of the act, amended October 7, 1955 (P. L. 684), is amended to read:

Section 10 of the act, amended October 7, 1955, P. L. 684, further amended.

Section 10. Service Allowance.—In computing the length of service of a contributor for retirement purposes, full credit shall be given to each original member for each year of service rendered to the county prior to January first of the year the retirement system was established. This shall include the service of a county official whose compensation was in the form of fees collected by his office, and shall also include the services of employes paid directly by such county official out of such fees, *and shall include the service of an officer of the county paid on a salary basis prior to the date of establishment of the retirement system in a county and paid on a per diem basis on January 1, 1960.* Full credit shall also be given for each year of service of a contributor who was a per diem employe of the county for a period of at least five years prior to the time the system became effective and who averaged at least two hundred days of employment in each of those years. As soon as practicable the retirement board shall issue to each original member a certificate certifying the aggregate length of his service prior to January first of the year the retirement system was established. Such certificate shall be final and conclusive as to his prior service, unless thereafter modified by the board upon application of the member. The time during which a member is absent from service without pay shall not be counted in computing the service of a contributor, unless allowed by the county commissioners and approved by the board.

Section 3. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 12th day of July, A. D. 1961.

DAVID L. LAWRENCE