

No. 597

AN ACT

Amending the act of May 4, 1927 (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," authorizing boroughs to authorize or provide for the destruction or killing of unowned pigeons by humane means.

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

The Borough Code.

Section 1. Section 1202, act of May 4, 1927 (P. L. 519), known as "The Borough Code," reenacted and amended July 10, 1947 (P. L. 1621), is amended by adding, at the end thereof, a new clause to read:

Section 1202, act of May 4, 1927, P. L. 519, reenacted and amended July 10, 1947, P. L. 1621, amended by adding a new clause LXX.

Section 1202. Specific Powers.—The powers of the borough shall be vested in the corporate officers. They shall have power:

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**LXX. Pigeons.—To authorize or provide for the destruction or killing of unowned pigeons within the geographical limits of the borough by any humane means.*

Section 2. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 15th day of September, A. D. 1961.

DAVID L. LAWRENCE

No. 598

AN ACT

Amending the act of June 1, 1959 (P. L. 392), entitled "An act relating to the retirement of State employees; amending, revising, consolidating and changing the laws relating thereto," providing credit for out-of-State service for certain contributors employed at State colleges, Pennsylvania State University, and certain schools.

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

State Employees' Retirement Code of 1959.

Section 1. Section 204, act of June 1, 1959 (P. L. 392), known as the "State Employees' Retirement Code of 1959," is amended by adding, after subsection (6.1), a new subsection to read:

Section 204, act of June 1, 1959, P. L. 392, amended by adding a new subsection (6.2).

Section 204. Credited Service.—

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(6.2) (a) Any contributor who is an officer or em-

* "LXIX" in original.

ploye of the Department of Public Instruction or who is an administrator, teacher or instructor employed in a State college, Thaddeus Stevens Trade School, Pennsylvania State Oral School for the Deaf, Scotland School for Veterans' Children, or the Pennsylvania State University, shall receive credit for the following periods of service upon complying with the provisions of article III. section 302 subsection (2) (1).

(i) Service in states, territories or areas under the jurisdiction of the United States other than this Commonwealth as an administrator, teacher or instructor in any public school or institution: Provided, That in no case shall credit be allowed for service of less than one (1) year.

(ii) Service as an administrator, teacher or instructor in the field of education for any agency or department of the government of the United States whether or not the area served was under the jurisdiction of the United States: Provided, That in no case shall credit be allowed for service of less than one (1) year.

(b) Such credit shall not exceed ten (10) years, the number of years between the age of the contributor at the time he became a member and the age at retirement, or the number of years of credited service in this Commonwealth, whichever is the smallest. In the event that a contributor withdraws from the retirement system or retires on superannuation or disability retirement before back contributions are fully paid, the member's annuity and his State annuity shall be credited with the number of years of out-of-State service, or fractional parts thereof, for which he has purchased credit to the date of application for retirement.

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Subsection (2), section 302 of the act, amended by adding a new clause (1).

Section 2. Subsection (2), section 302 of the act is amended by adding, at the end thereof, a new clause to read:

Section 302. Members' Contributions on Account of Past Service.—

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(2) The following members are entitled to make contributions on account of past service according to the provisions of subsection (1) of this section:

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(1) Any contributor entitled to credit for out-of-State service under the provisions of article II. section 204 subsection (6.2), who elects to receive such credit, shall pay into the retirement fund an amount equal to the contributions which would have been collected from such

contributor for the period of out-of-State service had such service been rendered in this Commonwealth at his annual compensation for the year in which application for credit for such service is made figured at the contributor's current rate of salary deductions, together with an equal additional amount as the equivalent of the contributions of the Commonwealth attributable to such period of out-of-State service. In no event shall increased salary deductions determined according to the provisions of subsection (1) be an amount less than sufficient to pay such total back payments by the time the member reaches superannuation retirement age. All such contributions shall be credited in equal amounts to the members' annuity savings account and the State annuity accumulation account.

Section 3. Paragraph (a), subsection (1), section 402 of the act, amended April 28, 1961 (P. L. 158), is amended to read:

Paragraph (a), subsection (1), section 402 of the act, amended April 28, 1961, P. L. 158, further amended.

Section 402. Withdrawal Benefits.—

(1) Upon discontinuance of service before reaching superannuation retirement age by resignation or dismissal or for any reason other than death or receipt of a disability allowance or leave of absence without pay, a contributor who ceases to be a State employe shall be paid on demand from the fund:

(a) In the case of a member of Class A, Class B, Class D, Class D-1 or Class E—

The full amount of the accumulated deductions standing to his individual credit in the members' annuity savings account as of the termination of such service and, in addition, in the case of a contributor who has made contributions on account of past service according to the provisions of article III. section 302 subsection (2) (1) the amounts paid by him as the equivalent of the contributions of the Commonwealth.

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Section 4. Section 506 of the act is amended by adding, after subsection (4), a new subsection to read:

Section 506 of the act, amended by adding a new subsection (4.2).

Section 506. Duties of State Employes.—

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**(4.2) Any contributor who desires to receive credit for out-of-State service as provided by article II. section 204 subsection (6.2) shall make application in writing to the retirement board and shall (i) submit proof satisfactory to the retirement board of all or part of such service, (ii) file an affidavit in the form prescribed by the retirement board stating that he is not entitled to a*

* "(4.1)" in original.

deferred retirement allowance for such service and, in addition, in the case of State employes becoming contributors after June 1, 1961, that he has not forfeited any vested right to a deferred retirement allowance for such service, and (iii) pay or agree to pay the back contributions provided for in article III. section 302 subsection (2) (1).

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Act effective immediately.

Section 5. This act shall become effective immediately.

APPROVED—The 15th day of September, A. D. 1961.

DAVID L. LAWRENCE

No. 599

AN ACT

Amending the act of April 9, 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several *administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing the Water and Power Resources Board to sell, lease or otherwise dispose of certain minerals in or beneath certain streams or bodies of water.

The Administrative Code of 1929.

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

Section 1808, act of April 9, 1929, P. L. 177, amended by adding a new clause (d).

Section 1. Section 1808, act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929," is amended by adding, at the end thereof, a new clause to read:

Section 1808. Water and Power Resources Board.—The Water and Power Resources Board shall have the power, and its duty shall be:

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(d) To enter into agreements to sell, lease or other-

* "adimintrative" in original.