

such court appointed counsel shall sustain their request by evidence satisfactory to the court, the court shall grant such special investigator or investigators or expert witness or witnesses; and such expert assistance to such appointed counsel shall be paid by the county [in which the said trial is being held] *in which the person is charged* upon approval by the court of such charges. When services are rendered by counsel, in pursuance of such assignment, the judge sitting at the trial of the case *if there is a trial, otherwise any judge sitting in the court of oyer and terminer* shall allow such counsel all personal and incidental expenses, upon a sworn statement thereof being filed with the clerk of the court of quarter sessions, and also reasonable compensation for services rendered [, not exceeding five hundred dollars for each counsel] *which compensation shall be in the discretion of the judge after taking into consideration the work done*; which allowance of expenses and compensation shall be a charge upon the county [in which the indictment in the action is found] *in which the person is charged*, to be paid by the county treasurer, or, where the city and county are coextensive, by the city treasurer, upon the certificate of the judge [presiding at the trial of the case]: Provided, That in order to be entitled to such expenses and compensation, counsel so assigned must file with the judge [, sitting at the trial of the case,] an affidavit that he has not, directly or indirectly, received, nor entered into a contract to receive, any compensation for such services from any source other than herein provided.

Expenses and compensation.

By whom payable.

Proviso.

Affidavit.

Section 2. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 27th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 518

AN ACT

Amending the act of June 1, 1959 (P. L. 392), entitled "An act relating to the retirement of State employes; amending, revising, consolidating and changing the laws relating thereto," redefining multiple service and the computation of benefits for members with multiple service, providing two new classes of membership, authorizing the transfer of certain members from one class of membership to another, providing for membership in a dual coverage group, further providing for contributions by members in the military service, providing for the deduction of medical and hospitalization premiums from retirement allowances, further providing for the computation of benefits authorizing the deferment of certain allowances, and imposing duties on the members, heads of departments and the retirement board.

State Employees' Retirement Code of 1959.

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

Clauses (12.1) and (19), section 102, act of June 1, 1959, P. L. 392; clause (12.1) added August 4, 1959, P. L. 621 and clause (19) amended April 28, 1961, P. L. 156 and July 14, 1961, P. L. 653, further amended.

Section 1. Clauses (12.1) and (19) of section 102, act of June 1, 1959 (P. L. 392), known as the "State Employees' Retirement Code of 1959," clause (12.1), added August 4, 1959 (P. L. 621) and clause (19), amended April 28, 1961 (P. L. 156) and July 14, 1961 (P. L. 653), are amended to read:

Section 102. Definitions.—The following words and phrases as used in this act, unless a different meaning is plainly required by the context, shall have the following meanings:

* * * * *

(12.1) "Multiple service" shall mean [nonconcurrent] service of a contributor in more than one class of membership in either the State Employees' Retirement System or the Public School Employees' Retirement System, or both, for which credit is allowed under the provisions of this code or the Public School Employees' Retirement Code, or both.

* * * * *

(19) "Final average salary" shall mean, *except as provided in section 401 (1.1)*, (i) in the case of State employes other than members of the General Assembly, officers and employes of the Pennsylvania State Police and contributors with credit for multiple service, the highest average annual compensation received by a contributor as a State employe during any five (5) nonoverlapping periods of twelve (12) consecutive months of contributory service, (ii) in case of members of the General Assembly, who have not served as constitutional officers of the General Assembly, six thousand dollars (\$6,000), and in the case of members of the General Assembly, who have served as constitutional officers of the General Assembly, the highest annual average compensation received during any five (5) nonoverlapping periods of twelve (12) consecutive months of contributory service, (iii) in the case of officers and employes of the Pennsylvania State Police, the average annual compensation earned by a contributor before any deductions have been made and exclusive of maintenance allowances and expenses for the highest five (5) years of service preceding retirement, or in the event a member has not served five (5) years, the total compensation earned divided by the number of years served.

In the case of any contributor with credit for multiple service, final average salary shall mean the highest average annual compensation received by a contributor as a State employe or a school employe during any five (5)

nonoverlapping periods of twelve (12) consecutive months of contributory service.

* * * * *

Section 2. Clause (a) of subsection (1) of section 202 of the act is amended to read:

Clause (a), subsection (1), section 202 of act, amended.

Section 202. Classes of Membership.—

(1) Membership in the retirement system shall be comprised of the following classes:

(a) Class A which shall consist of all contributors who elected prior to May 18, 1937, to make contributions at a rate determined to provide a member's annuity of one one-hundredth (1/100) of final average salary for each year of service and to have a State annuity calculated on the basis of one one-hundredth (1/100) of final average salary for each year of service, any member of Class E who elects to transfer to Class A according to the provisions of section 303.1 and section 506 (9), and all State employes becoming contributors on or after May 18, 1937, whose benefits are compulsorily on such basis, except for the provisions of paragraphs (c), (d) and (e) of this subsection.

* * * * *

Section 3. Subsection (1) of section 202 of the act is amended by adding, after clause (d.1), a new clause to read:

Subsection (1), section 202 of act, amended by adding a new clause (d.2).

Section 202. Classes of Membership.—

(1) Membership in the retirement system shall be comprised of the following classes:

* * * * *

(d.2) Class D-2 shall consist of all members of the General Assembly who have elected according to the provisions of section 506 subsection (8), prior to December 1, 1963, to become members of Class D-2 and for each of whom all legislative service shall be credited as service rendered as a member of Class D-2 and all members of the General Assembly who have elected according to the provisions of section 506 subsection (8), on or after December 1, 1963, to become members of Class D-2 for each of whom only legislative service rendered subsequent to the effective date of such election shall be credited as service rendered as a member of Class D-2.

* * * * *

Section 4. Subsection (1) of section 202 of the act is amended by adding, after clause (e), a new clause to read:

Subsection (1), section 202 of act, amended by adding a new clause (e.1).

Section 202. Classes of Membership.—

(1) Membership in the retirement system shall be comprised of the following classes:

(e.1) Class E-1 which shall consist of all judges who have elected to become members of such class under the provisions of section 506, subsection (10).

* * * * *

Section 203 of act, amended August 4, 1959, P. L. 621, further amended.

Section 5. Section 203 of the act, amended August 4, 1959 (P. L. 621), is amended to read:

Section 203. *Joint and Dual Coverage of Contributors Under Retirement System and Social Security.*—The membership of each class defined in section 202 subsection (1) shall belong to one of the following groups:

(1) Joint Coverage Group, consisting of any State employe who shall become a member of the retirement system on a date subsequent to May 28, 1957, and prior to January 1, 1966, or who having become a member on or before [such date] May 28, 1957, shall have filed with the retirement board a written statement that he elects social security coverage under agreement with the Federal Secretary of Health, Education and Welfare entered into by the Commonwealth for State employes except any State employe who is excluded from social security coverage under the provisions of the Federal Social Security Act and except any such employe who elects after July 1, 1964, and prior to January 1, 1966, to become a member of the dual coverage group.

(2) Single Coverage Group, consisting of any State employe who is excluded from social security coverage under the provisions of the Federal Social Security Act and any State employe who became a member of the retirement system on or before May 28, 1957, and who has either filed with the retirement board a written statement that he does not elect social security coverage under any agreement with the Federal Secretary of Health, Education and Welfare entered into by the Commonwealth for State employes or who has not filed with the retirement board any written statement electing such coverage.

(3) *Dual Coverage Group consisting of:*

(a) *Any State employe who is a member of the joint coverage group and who after July 1, 1964, and prior to January 1, 1966, files an election with the retirement board to make contributions without the reduction provided for in section 301 subsection (4) and whose superannuation retirement allowance or withdrawal allowance shall be computed without the reduction provided by section 403 subsection (1), provided that he makes the back contributions required under section 302 subsection (h.2).*

(b) *Any State employe who shall become a contributor subsequent to December 31, 1965, regardless of previous membership in the system.*

Section 6. Section 208 of the act, amended August 4, 1959 (P. L. 621), is amended to read:

Section 208 of act, amended August 4, 1959, P. L. 621, further amended.

Section 208. Restoration of Service Credits Cancelled at Separation from Service.—

(1) When a contributor ceases to be a State employe his credited service is cancelled if he withdraws his accumulated deductions, but if he returns or has returned to service as a State employe and a contributor the credited service forfeited by him at the time of separation from service shall be restored in full to him as of the date he shall have restored to the fund, to the credit of the members' annuity savings account in such manner as may be agreed upon by the State employe and the retirement board, his accumulated deductions as they [were] *would have been* at the time of his separation *had none of such service been rendered as a member of the joint coverage group.*

(2) When a contributor ceases to be a State employe, his credited service is cancelled, if he withdraws his accumulated deductions, but if he returns or has returned to service as a school employe and a contributor to the Public School Employes' Retirement System, the credited service forfeited by him at the time of separation from service shall be restored in full to him as of the date he shall have restored to the fund his accumulated deductions as they [were] *would have been* at the time of his separation *had none of such service been rendered as a member of the joint coverage group and* in such manner as may be agreed upon by the school employe and the retirement board.

(3) Upon application for a benefit under the provisions of article IV. of this code or article IV. of the Public School Employes' Retirement Code, a contributor to the State Employes' Retirement System or to the Public School Employes' Retirement System who has not restored to the fund his accumulated deductions [as they were at the time of his separation from service] according to the provisions of subsection (1) or (2) of this section, shall receive credit for the portion of the credited service forfeited by him at the time of separation from service computed by dividing the amount of accumulated deductions repaid as of the date of application by accumulated deductions as they [were] *would have been* at the time of separation *had none of such service been rendered as a member of the joint coverage group.*

Section 7. The first paragraph of subsection (1) of section 301 of the act is amended to read:

First paragraph, subsection (1), section 301 of act, amended.

Section 301. Members' Contributions on Account of Current Service.—

(1) From the salary of each member of the single or dual coverage group who is a contributor, there shall be deducted and paid into the fund, by the State Treasurer through the Department of Revenue, such percent of his salary as shall be computed according to the class of his membership as follows:

* * * * *

Subsection (1), section 801 of act, amended by adding a new clause (d.2).

Section 8. Subsection (1) of section 301 of the act is amended by adding, after clause (d.1), a new clause to read:

Section 301. Members' Contributions on Account of Current Service.—

(1) From the salary of each member of the single coverage group who is a contributor, there shall be deducted and paid into the fund, by the State Treasurer through the Department of Revenue, such percent of his salary as shall be computed according to the class of his membership as follows:

* * * * *

(d.2) A member of Class D-2 shall be required to contribute at two and one-half (2½) times the rate of contribution required of a member of Class A.

* * * * *

Subsection (1), section 301 of act, amended by adding a new clause (e.1).

Section 9. Subsection (1) of section 301 of the act is amended by adding, after *clause (e), a new clause to read:

Section 301. Members' Contributions on Account of Current Service.—

(1) From the salary of each member of the single coverage group who is a contributor, there shall be deducted and paid into the fund, by the State Treasurer through the Department of Revenue, such percent of his salary as shall be computed according to the class of his membership as follows:

* * * * *

(e.1) A member of Class E-1 shall make contributions during the first ten (10) years of service as a judge at double the rate of contribution required of a member of Class A and during each year of judicial service thereafter at one and one-half (1½) times the rate required of a member of Class A.

* * * * *

Clause (c.1), subsection (2), section 301, amended December 1, 1959, P. L. 1640, further amended.

Section 10. Clause (c.1) of subsection (2) of section 301, amended December 1, 1959 (P. L. 1640), is amended to read:

Section 301. Members' Contributions on Account of Current Service.—

* "class" in original.

(2) The deductions from salaries in accordance with subsection (1) of this section shall be subject to the following conditions:

* * * * *

(c.1) In the case of a former contributor to the Public School Employees' Retirement System who becomes a State employe and a contributor and who has accumulated deductions to the credit of the employes' annuity savings account in the Public School Employees' Retirement Fund or who shall have agreed as of the date of becoming a contributor to restore his accumulated deductions to the employes' annuity savings account in a manner agreed upon by the employe and the Public School Employees' Retirement Board, the rate of deduction from compensation shall be determined on the basis of the age which was used to determine the rate of contribution to the Public School Employees' Retirement Fund prior to separation from the Public School Employees' Retirement System.

[In the case of members of the General Assembly on September 1, 1959, who are contributors and all future members of the General Assembly, who become contributors and who file a notice of election as provided for in subsection (6) section 506 of this code, the rate of deduction from compensation shall be determined on the basis of the age which was used to determine the rate of contribution to the Public School Employees' Retirement Fund.]

* * * * *

Section 11. Clause (a) of subsection (3) of section 301 of the act is amended to read:

Clause (a), subsection (3), section 301 of act, amended.

Section 301. Members' Contributions on Account of Current Service.—

* * * * *

(3) A State employe who shall have entered military service may continue to pay salary deductions into the fund as follows:

(a) A State employe who entered into active military service on or prior to July 27, 1953, or subsequent to August 1, 1963, and who made an election within thirty (30) days after July 3, 1941, or within thirty (30) days after his [induction] entry into active military service, shall have the right for the period of such military service and for a period of one (1) year after the completion of such military service to continue to pay into the fund his salary deductions on the basis of his salary on the date of his entry into active military service, so long as such active military service has not been voluntarily extended after such State employe has had

the opportunity for any reason to be discharged or to resign.

* * * * *

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

Section 12. Subsection (2) of section 302 of the act is amended by adding, after clause (h.1), a new clause to read:

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

* * * * *

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

* * * * *

(h.2) Any State employe who is a member of the joint coverage group and who after July 1, 1964, and prior to January 1, 1966, elects to become a member of the dual coverage group, shall pay to the fund within one (1) year of such election and any former member of the joint coverage group who returns to service after December 31, 1965, and who did not withdraw his accumulated deductions, shall pay to the fund within one (1) year of return to service, an amount equal to the difference between his accumulated deductions as of the date of his election or return to service and the accumulated deductions which would have been to his credit if contributions had been made without the reduction provided for in section 301 subsection (4).

* * * * *

Act amended by adding a new section 303.1.

Section 13. The act is amended by adding, after section 303, a new section to read:

Section 303.1. *Nonretroactive Transfer from Class E to Class A.—*

Any contributor who is a member of Class E may transfer nonretroactively to Class A in accordance with the provisions of section 506 subsection (9).

First paragraph, subsection (1), section 304 of act, amended April 28, 1961, P. L. 158, further amended.

Section 14. The first paragraph of subsection (1) of section 304 of the act, amended April 28, 1961 (P. L. 158), is amended to read:

Section 304. Contributions by Commonwealth or Other Employer.—

(1) Contributions on account of members of Class A, Class B, Class D, Class D-1, [and] *Class D-2*, Class E and *Class E-1* shall be as follows:

* * * * *

Section 15. The first paragraph of subsection (1) of section 401 of the act, amended August 4, 1959 (P. L. 621), is amended to read:

First paragraph, subsection (1), section 401 of act, amended August 4, 1959, P. L. 621, further amended.

Section 401. Superannuation Retirement Allowances.—

(1) Upon retirement at or after superannuation retirement age, a contributor who is a member of the single or dual coverage group whose entire service shall have been in one class of membership and who has made application in accordance with the provisions of article V. section 506 subsection (1), shall receive a superannuation retirement allowance in accordance with the following provisions:

* * * * *

Section 16. Subsection (1) of section 401 of the act is amended by adding, after clause (d.1), a new clause to read:

Subsection (1), section 401 of act, amended by adding a new clause (d.2).

Section 401. Superannuation Retirement Allowances.—

(1) Upon retirement at or after superannuation retirement age, a contributor who is a member of the single coverage group whose entire service shall have been in one class of membership and who has made application in accordance with the provisions of article V. section 506 subsection (1), shall receive a superannuation retirement allowance in accordance with the following provisions:

* * * * *

(d.2) The superannuation retirement allowance of a member of Class D-2 who is a member of the General Assembly at the time of retirement shall consist of a combined member's annuity and State annuity equal to five one-hundredths (5/100) of his final average salary for each year of credited service as a member of the General Assembly. The total superannuation retirement allowance payable to a member of Class D-2 after election of an option as provided in section 404 shall not exceed one hundred (100) percent of his final average salary.

* * * * *

Section 17. Subsection (1) of section 401 of the act is amended by adding, after clause (e), a new clause to read:

Subsection (1), section 401 of act, amended by adding a new clause (e.1).

Section 401. Superannuation Retirement Allowances.—

(1) Upon retirement at or after superannuation retirement age, a contributor who is a member of the single coverage group whose entire service shall have been in one class of membership and who has made ap-

plication in accordance with the provisions of article V. section 506 subsection (1), shall receive a superannuation retirement allowance in accordance with the following provisions:

* * * * *

(e.1) The superannuation retirement allowance of a member of Class E-1 shall consist of a member's annuity which shall be equal to the actuarial equivalent of his accumulated deductions and a State annuity which shall consist of:

(i) A basic component of two one-hundredths (2/100) of final average salary for each of the first ten (10) years of judicial service and one and one-half one-hundredths (1½/100) of final average salary for each year of judicial service thereafter.

(ii) An equalizing component equal to the amount, if any, by which the member's annuity is less than the State annuity attributable to contributory service.

(iii) A prior service component of two one-hundredths (2/100) of final average salary for each of his first ten (10) years of prior service as a judge and one and one-half one-hundredths (1½/100) of his final average salary for each additional year of prior service as a judge.

* * * * *

Subsection (1.1), section 401 of act, amended August 4, 1959, P. L. 621, further amended.

Section 18. Subsection (1.1) of section 401 of the act, amended August 4, 1959 (P. L. 621), is amended to read:

Section 401. Superannuation Retirement Allowances.—

* * * * *

(1.1) A contributor who is a member of the single or dual coverage group and becomes eligible for a superannuation retirement allowance while a member of any one class of membership in either the State Employees' Retirement System or the Public School Employees' Retirement System and at that time or thereafter applies for a superannuation retirement allowance in accordance with the provisions of article V. section 506 subsection (1) and at the time of application has credit for multiple service, shall receive a superannuation retirement allowance which shall be the sum of the annuities computed separately with respect to service in each class of membership for which the contributor has received credit in accordance with the appropriate provisions of section 401 subsection (1) of this article or article IV. section 401 subsection (1) of the Public School Employees' Retirement Code: Provided, That (i) the final average salary used in the computation of the retirement allowance attributable to each class of mem-

bership shall be computed with reference to the contributor's total credited service, (ii) the State annuity or combined member's and State annuity, as the case may be, computed for service in any class of membership for which the superannuation retirement age is greater than the age of the contributor at the effective date of superannuation retirement shall have a value equal to the present value of such annuity beginning at the superannuation retirement age for such class of membership, [and] (iii) in the case of a contributor who has transferred from Class B to Class A and who has not made back payments according to the provisions of article III. section 302 subsection (2) (g) of this code, the prior service component applicable to an original member shall equal one one-hundred-sixtieth (1/160) of his final average salary multiplied by total years of prior service multiplied by the ratio of years of contributory service at the one one-hundred-sixtieth (1/160) rate to total years of contributory service plus one one-hundredth (1/100) of his final average salary multiplied by total years of prior service multiplied by the ratio of years of contributory service at the one one-hundredth (1/100) rate to total years of contributory service, and (iv) in the case of any contributor who has credit for service rendered concurrently as a member of more than one class of service, all compensation for such concurrent service rendered during any month shall be combined for the purpose of determining such contributor's final average salary. In using such final average salary for the purpose of computing benefits, such contributor's service shall be divided into periods of nonconcurrent service and periods of concurrent service. In computing the benefit attributable to any period of nonconcurrent service, such final average salary shall be applied in full. In computing the benefit attributable to any period involving concurrent service in more than one class of membership, such final average salary shall be prorated to the various classes of membership in proportion to the compensation received in each class of membership during such period of concurrent service.

* * * * *

Section 19. Section 401 of the act is amended, by adding before subsection (3), a new subsection to read:

Section 401 of act, amended by adding a new subsection (2.1).

Section 401. Superannuation Retirement Allowances.—

* * * * *

(2.1) The retirement allowance computed in accordance with the applicable provisions of subsections (1) and (1.1) of this section shall be reduced by the actuarial equivalent of the sum of any payments made from the member's accumulated deductions to a credit union pur-

suant to section 803 and shall be further reduced by the actuarial equivalent of any amount payable by a member to the retirement board pursuant to the provisions of section 302 subsection (2) paragraph (h.2).

* * * * *

Subsection (3), section 401 of act, amended December 16, 1959, P. L. 1852, further amended.

Section 20. Subsection (3) of section 401 of the act, amended December 16, 1959 (P. L. 1852), is amended to read:

Section 401. Superannuation Retirement Allowances.—

* * * * *

(3) Upon retirement on or after superannuation retirement age, a contributor who is a member of the joint coverage group shall receive a superannuation retirement allowance computed in accordance with the applicable provisions of subsections (1), [and] (1.1) and (2.1) of this section but reduced in accordance with the provisions of section 403.

Clause (a), subsection (1), section 402 of act, amended September 15, 1961, P. L. 1345, further amended.

Section 21. Clause (a) of subsection (1) of section 402 of the act, amended September 15, 1961 (P. L. 1345), is amended to read:

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 D-2, Class E or Class E-1.—

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.

* * * * *

First paragraph, subsection (2), section 402 of act, amended August 4, 1959, P. L. 621, further amended.

Section 22. The first paragraph of subsection (2) of section 402 of the act, amended August 4, 1959 (P. L. 621), is amended to read:

Section 402. Withdrawal Benefits.—

* * * * *

(2) Upon discontinuance of service before reaching superannuation retirement age, a contributor who is a member of the single or dual coverage group and whose entire service shall have been in one class of membership,

if qualified in accordance with the following provisions, may elect to receive a withdrawal allowance computed for his class of membership as follows:

* * * * *

Section 22.1. Clauses (b) and (b.1) of subsection (2) of section 402 of the act, subsection (2), amended August 4, 1959 (P. L. 621) and clause (b.1), added April 28, 1961 (P. L. 158), are amended to read:

Clauses (b) and (b.1), subsection (2), section 402 of act; subsection (2) amended August 4, 1959, P. L. 621 and clause (b.1) added April 28, 1961, P. L. 158, further amended.

Section 402. Withdrawal Benefits.—

* * * * *

(2) Upon discontinuance of service before reaching superannuation retirement age, a contributor who is a member of the single coverage group and whose entire service shall have been in one class of membership, if qualified in accordance with the following provisions, may elect to receive a withdrawal allowance computed for his class of membership as follows:

* * * * *

(b) [The] *Except as provided in paragraph (b.3) of this subsection, the* withdrawal allowance of a member of Class D, who discontinues his qualified legislative service voluntarily or involuntarily after having completed ten (10) years of such service, shall consist of a combined member's annuity and State annuity having a value equal to the present value of such annuity beginning at superannuation retirement age calculated in accordance with the provisions of section 401 subsection (1) paragraph (d).

(b.1) [The] *Except as provided in paragraph (b.3) of this subsection, the* withdrawal allowance of a member of Class D-1, who discontinues his legislative service, voluntarily or involuntarily, after having completed ten (10) years of such service, shall consist of a combined member's annuity and State annuity having a value equal to the present value of such annuity beginning at superannuation retirement age calculated in accordance with the provisions of section 401 subsection (1) paragraph (d.1).

* * * * *

Section 23. Subsection (2) of section 402 of the act is amended by adding, after clause (b.1), two new clauses to read:

Subsection (2), section 402 of act, amended by adding two new clauses (b.2) and (b.3).

Section 402. Withdrawal Benefits.—

* * * * *

(2) Upon discontinuance of service before reaching superannuation retirement age, a contributor who is a member of the single coverage group and whose entire service shall have been in one class of membership, if

qualified in accordance with the following provisions, may elect to receive a withdrawal allowance computed for his class of membership as follows:

* * * * *

(b.2) Except as provided in paragraph (b.3) of this subsection, the withdrawal allowance of a member of Class D-2, who discontinued his legislative service, voluntarily or involuntarily, after having completed ten (10) years of such service, shall consist of a combined member's annuity and State annuity having a value equal to the present value of such annuity beginning at superannuation retirement age calculated in accordance with the provisions of section 401 subsection (1) paragraph (d.2).

(b.3) Any member of Class D, Class D-1 or Class D-2, who has filed an election under the provisions of section 506 subsection (1), shall, upon attaining superannuation retirement age and upon application, receive an allowance computed according to the provisions of section 401.

* * * * *

Subsection (2), section 402 of act, amended by adding a new clause (d).

Section 24. Subsection (2) of section 402 of the act is amended by adding, after clause (c), a new clause to read:

Section 402. Withdrawal Benefits.—

* * * * *

(2) Upon discontinuance of service before reaching superannuation retirement age, a contributor who is a member of the single coverage group and whose entire service shall have been in one class of membership, if qualified in accordance with the following provisions, may elect to receive a withdrawal allowance computed for his class of membership as follows:

* * * * *

(d) The withdrawal allowance of a member of Class E-1 who discontinues his judicial service not voluntarily after ten (10) years, or voluntarily after twenty (20) years shall consist of—

(i) A member's annuity which shall be the actuarial equivalent at the date of receipt of benefits of his accumulated deductions, and

(ii) A State annuity having a value equal to the present value of a State annuity beginning at superannuation retirement age calculated in accordance with the provisions of section 401 subsection (1) paragraph (e.1).

* * * * *

Section 25. The first paragraph and clause (b) of subsection (2.1) of section 402 of the act, subsection (2.1), added August 4, 1959 (P. L. 621) and clause (b), amended April 28, 1961 (P. L. 158), are amended to read:

First paragraph and clause (b), subsection (2.1), section 402 of act; subsection (2.1), added August 4, 1959, P. L. 621, and clause (b), amended April 28, 1961, P. L. 158, further amended.

Section 402. Withdrawal Benefits.—

* * * * *

(2.1) A contributor who is a member of the single or dual coverage group, who has credit for multiple service, whose service is discontinued voluntarily or involuntarily before reaching the superannuation retirement age for any of such classes and who applies for a withdrawal allowance, shall receive a voluntary or involuntary withdrawal allowance in accordance with the following provisions:

* * * * *

(b) For each year of *credited service a contributor shall be entitled according to class of membership to voluntary or involuntary withdrawal credits determined by reference to the following table:

Class of Membership (1)	Number of Withdrawal Credits for Each Year of Service	
	Voluntary Withdrawal Credits (2)	Involuntary Withdrawal Credits (3)
State Employees' Retirement System		
A	4	10
B	4	10
C	4	10
D	10	10
D-1	10	10
D-2	10	10
E	5	10
E-1	5	10
Public School Employees' Retirement System		
T-A	4	10
T-B	0	0

In determining eligibility for a voluntary withdrawal allowance only accumulated voluntary withdrawal credits determined with reference to columns (1) and (2) shall be added and in determining eligibility for an involuntary withdrawal allowance only accumulated in-

* "credit" in original.

voluntary withdrawal credits determined with reference to columns (1) and (3) shall be added. In the case of a member of Class E or Class E-1 who serves on the Supreme or Superior Court, any service as a member of the General Assembly completed prior to January 1, 1947, shall be credited for the purpose of accumulating voluntary withdrawal credits as service as a member of Class D.

* * * * *

Clause (b), subsection (3.1), section 405 of act, amended April 28, 1961, P. L. 158, further amended.

Section 26. Clause (b) of subsection (3.1) of section 405 of the act, amended April 28, 1961 (P. L. 158), is amended to read:

Section 405. Disability Allowances.—

* * * * *

(3.1) A contributor who has credit for multiple service, who is under the superannuation retirement age for any of such classes and who applies for a disability allowance, shall receive such allowance in accordance with the following provisions:

* * * * *

(b) A contributor who, upon date of application, is a member of any class other than Class C shall be entitled to twenty (20) disability credits for each year of service as a member of Class A, Class B, Class C, Class D, Class D-1, [or] Class D-2, Class E or Class E-1, and to ten (10) disability credits for each year of credited service as a member of Class T-A or Class T-B.

* * * * *

Subsection (2), section 405.1 of act, added August 4, 1959, P. L. 621, and amended December 16, 1959, P. L. 1852, further amended.

Section 27. Subsection (2) of section 405.1 of the act, added August 4, 1959 (P. L. 621) and amended December 16, 1959 (P. L. 1852), is amended to read:

Section 405.1. Annuitant's Allowance Upon Return to Service and Subsequent Retirement.—

* * * * *

(2) Upon subsequent discontinuance of service, the allowance of a contributor who was formerly receiving a superannuation retirement allowance or a withdrawal allowance according to the provisions of the State Employees' Retirement System or the Public School Employees' Retirement System, shall be computed according to the following provisions:

(a) A contributor who is a member of the single or dual coverage group and whose entire service shall have been in one class of membership shall receive an allowance computed with respect to total credited service according to the provisions of section 401 [subsection] subsections (1) and (2.1) or section 402 [subsection] subsections (2) and (2.1) of this article, as the case may be.

(b) A contributor who is a member of the single *or dual* coverage group who has credit for multiple service shall receive an allowance computed with respect to total credited service according to the provisions of section 401 subsection(1.1) or section 402 subsection (2.1) of this article, as the case may be.

(c) A contributor who is a member of the joint coverage group shall receive an allowance computed with respect to total credited service according to the provisions of clause (a) or clause (b), as the case may be, of this subsection but reduced in accordance with the provisions of section 403 of this article.

Section 28. Subsections (1) and (2) and clause (b) of subsection (3.1) of section 407 of the act, subsections (1) and (2), amended April 28, 1961 (P. L. 158) and subsection (3.1), added December 1, 1959 (P. L. 1640), are amended to read:

Section 407. Death Benefits.—

(1) Any contributor who is entitled to a superannuation retirement allowance by reason of having reached superannuation retirement age or any member of Class A, Class B or Class C who has to his credit twenty-five (25) years of service as a member of such class or any member of Class D, [or] Class D-1 *or Class D-2* who has to his credit ten (10) years of qualified legislative service or any member of Class E *or Class E-1* who has to his credit twenty (20) years of judicial service or any contributor with credit for multiple service who has accumulated one hundred (100) voluntary withdrawal credits, may file with the retirement board a written application for retirement in the form required for such application but requesting that such retirement shall become effective as of the time of his death, electing one of the options provided in article IV. section 404 and nominating a beneficiary under said option as required in said section. In all such cases, the application shall be held by the retirement board until the contributor shall file a later application in the usual manner for a superannuation retirement allowance or until the death of the contributor occurring while in State service, at which time his retirement shall become effective with the same benefits to the designated beneficiary as if the contributor had retired on the day immediately preceding his death.

(2) Any contributor who is entitled to a superannuation retirement allowance by reason of having reached superannuation retirement age or any member of Class A, Class B or Class C who has to his credit twenty-five (25) years of service as a member of such class or any member of Class D, [or of] Class D-1 *or Class D-2* who has to his credit ten (10) years of qualified legislative

Subsections (1) and (2) and clause (b), subsection (3.1), section 407 of act; subsections (1) and (2), amended April 28, 1961, P. L. 158 and subsection (3.1) added December 1, 1959, P. L. 1640, further amended.

service or any member of Class E or *Class E-1* who has to his credit twenty (20) years of judicial service or any contributor with credit for multiple service who has accumulated one hundred (100) voluntary withdrawal credits and who has died while in State service before filing with the retirement board a written application for a retirement allowance as provided in subsection (1) of this section, shall be considered as having elected Option 1 as provided in article IV, section 404 as of the date of his death. In such event, payment under Option 1 shall be made to the beneficiary designated in the nomination of beneficiary form on file with the retirement board, or if said beneficiary has predeceased the contributor, to the legal representative of said contributor.

* * * * *

(3.1) Should a contributor die before becoming eligible for retirement according to the provisions of subsection (1) or (2) of this section, after having completed ten (10) years of total credited service or having accumulated one hundred (100) involuntary withdrawal credits, there shall be paid to his estate, or to such person as he shall have nominated by written designation duly executed and filed with the retirement board, his accumulated deductions, and in addition, the present value of a State annuity beginning at superannuation retirement age and calculated in accordance with the applicable provisions of section 401 of this article and based upon the final average salary and years of credited service of the deceased contributor, and reduced as follows:

* * * * *

(b) In the case of a member of Class E or *Class E-1* whose entire service shall have been in one class of membership, the present value of the State annuity shall be multiplied by the ratio determined by dividing the number of years of credited service prior to death by twenty (20), unless the number of years of service which he would have to his credit had he continued in service until superannuation retirement age is less than twenty (20), in which case such lesser number of years of service shall be substituted for twenty (20) in the denominator of the ratio.

* * * * *

Section 407 of act, amended by adding a new subsection (7).

Section 29. Section 407 of the act is amended by adding, after subsection 6, a new subsection to read:

Section 407. Death Benefits.—

* * * * *

(7) *In the event of the death of a former member of the General Assembly who has made an election under the provisions of section 506 subsection (1), he shall be*

presumed to have retired under Option 1 as of the date immediately preceding his death.

Section 30. Section 503 of the act is amended by adding, after subsection (9.1), three new subsections to read:

Section 503 of act, amended by adding three new subsections (9.2), (9.3) and (9.4).

Section 503. Duties of the Retirement Board.—

* * * * *

(9.2) Upon receipt of a notice of election to become a member of Class E-1 from any judge who has credit for judicial service other than as a member of Class E, the board shall determine (a) the amount of accumulated deductions which would have been in the member's annuity savings account to the credit of such judge had he been a member of Class E throughout the period or periods of his eligibility to be a member of Class E up to the effective date of his notice of election to transfer to Class E-1, and (b) the actual amount of accumulated deductions to the judge's credit as of the effective date of his notice of election to become a member of Class E-1.

The board shall certify the amount required to be paid, if any, by the judge equal to the amount determined under (a) above in excess of the amount determined under (b).

(9.3) In the case of any member of Class E who elects to transfer nonretroactively from such class to Class A, the board shall credit as Class E service all judicial service rendered prior to the effective date of transfer.

(9.4) Upon receipt according to the provisions of section 506 subsection (11) of the election of a State employe or an annuitant to continue or to re-enroll as a member of the State group medical and hospitalization plan, the retirement board shall notify the insurance carrier of such election and shall deduct the appropriate premium costs from the retirement allowance, transmitting such deductions to the designated fiscal officer of the Commonwealth having jurisdiction over the payment of such group premiums on behalf of the annuitant.

It shall be the duty of the retirement board to notify all persons who are annuitants on July 15, 1963, of their opportunity to re-enroll in such plans and provide the necessary forms for re-enrollment.

Section 31. Section 504 of the act is amended by adding, at the end thereof, two new subsections to read:

Section 504 of act, amended by adding two new subsections (8) and (9).

Section 504. Duties of Heads of Departments.—

* * * * *

(8) The head of each department shall advise each employe who is eligible of his right to make an election to become a member of the dual coverage group.

(9) The head of each department shall advise each

employe of his right to continue as a member of the State group medical and hospitalization plan after retirement.

Subsections (1) and (2), section 506 of act; subsection (1), amended August 23, 1961, P. L. 1088 and subsection (2), amended April 28, 1961, P. L. 158 and September 15, 1961, P. L. 1341, further amended.

Section 32. Subsections (1) and (2) of section 506 of the act, subsection (1), amended August 23, 1961 (P. L. 1088) and subsection (2), amended April 28, 1961 (P. L. 158) and September 15, 1961 (P. L. 1341), are amended to read:

Section 506. Duties of State Employes.—

(1) Each State employe who has reached superannuation retirement age or who is eligible to receive a withdrawal allowance, and who desires to receive a superannuation retirement allowance or a withdrawal allowance, shall file with the retirement board a written application, duly attested.

Said application shall make the superannuation allowance or the withdrawal allowance effective from the first scheduled work day following the last date for which compensation was paid: Provided, however, That the application is filed within ninety (90) days after the last date for which compensation was paid. In the event that the contributor files his application subsequent to the expiration of ninety (90) days, the said application shall make the superannuation retirement allowance effective as of the date the application was filed in the offices of the retirement board.

Any member of the General Assembly who is entitled to a withdrawal allowance under the provisions of section 402 subsection (2) or (2.1) may file an election to leave his accumulated deductions in the fund and to defer until superannuation retirement age his application for an allowance as provided for in section 402 subsection (2) (b.3).

* * * * *

(2) Each member of Class A, Class B, Class D, Class D-1, [or] *Class D-2, Class E or Class E-1*, who has had at least five (5) years of service and each member of Class C, regardless of length of service, who is under superannuation retirement age and who desires to receive a disability allowance, shall file a written application with the retirement board or such application may be made by a person acting in his behalf or by the head of his department. For a member of Class C, disability shall include disability incurred while engaged in the enforcement of law in his capacity as a Pennsylvania State Policeman or employe of the Pennsylvania State Police Force.

* * * * *

Subsection (6), section 506 of act, repealed.

Section 33. Subsection (6) of section 506 of the act is repealed.

Section 34. Section 506 of the act is amended by adding, at the end thereof, five new subsections to read:

Section 506. Duties of State Employees.—

* * * * *

(8) *Any member or member-elect of the General Assembly as of December 1, 1962, who desires to become a member of Class D-2, shall so elect by written notice filed with the retirement board prior to December 1, 1963, and shall agree in such notice to make contributions at the rate specified in section 301 subsection (1) paragraph (d.2) retroactive to December 1, 1962. Any member of the General Assembly elected subsequent to December 1, 1962, who was not a member or member-elect of the General Assembly on December 1, 1962, and who desires to become a member of Class D-2, shall so elect by written notice prior to December 1 of the year following his election to the General Assembly, and shall agree in such notice to make contributions at the rate specified in section 301 subsection (1) paragraph (d.2) retroactive to December 1 of the year of his most recent election to the General Assembly.*

(9) *Any contributor who is a member of Class E may elect to transfer nonretroactively to Class A by filing a written notice of election with the retirement board. Each member's election shall be effective on the date such notice is received by the board.*

(10) *Any judge who is a contributor may elect to transfer to Class E-1 by filing a written notice of such election with the board. Each judge elected or appointed subsequent to the effective date of this act shall have the right to elect to become a member of Class E-1.*

In the case of any judge who elects to become a member of Class E-1, such election shall be retroactive to the date of his eligibility to become a member of Class E.

Each judge who elects to become a member of Class E-1 shall make, after certification by the board, payment of the amount calculated under the provisions of section 503 subsection (9.2).

(11) *A State employe may elect to continue as a member of a State group medical and hospitalization plan and at the time of filing an application for an allowance under subsection (1) of this section shall indicate such election on such forms under such terms as shall be prescribed by the retirement board.*

A former member of a State group medical and hospitalization plan who is an annuitant on July 15, 1963, may elect to re-enroll in said plan and shall within sixty (60) days of receipt return the forms provided for re-enrollment.

Section 506 of act, amended by adding five new subsections (8), (9), (10), (11) and (12).

(12) *Each State employe who is or becomes eligible for membership in the dual coverage group and who desires such membership shall file an election with the retirement board in accordance with the provisions of section 203 subsection (3).*

Sections 603,
604 and 605 of
act, amended
April 28, 1961.
P. L. 158, fur-
ther amended.

Section 35. Sections 603, 604 and 605 of the act, amended April 28, 1961 (P. L. 158), are amended to read:

Section 603. State Annuity Accumulation Account.—The State annuity accumulation account shall be the ledger account to which shall be credited all contributions with respect to the State annuities payable on account of new members of Class A, Class B, Class D, Class D-1, [and] *Class D-2*, Class E and *Class E-1* made in accordance with the provisions of article III. section 304 subsection (1) and all contributions with respect to State annuities payable on account of new members of Class C made in accordance with the provisions of article III. section 304 subsection (2), except the amounts received under the provisions of the act of May 12, 1943 (P. L. 259), as amended, and the additional amounts credited to the State Police benefit account. Upon the entitlement of a contributor to an allowance under the provisions of article IV. with respect to a new member, the necessary reserves on account of members of Class A, Class B, Class D, Class D-1, [and] *Class D-2*, Class E and *Class E-1* shall be transferred from the State annuity accumulation account to the State annuity reserve account provided for in section 604 of this article and the necessary reserves on account of members of Class C shall be transferred from the State annuity accumulation account to the State Police benefit account provided for in section 606 of this article.

Section 604. State Annuity Reserve Account.—Upon transfer of reserves on account of a member of Class A, Class B, Class D, Class D-1, [or] *Class D-2*, Class E or *Class E-1*, who is entitled to an allowance under the provisions of article IV., the State annuity of such annuitant shall be charged to the State annuity reserve account and paid from the fund. Should the said new member be subsequently restored to active service, his State annuity reserve calculated on the basis of his attained age shall be transferred from the State annuity reserve account to the State annuity accumulation account. Should the State annuity of any such new member be otherwise reduced or discontinued in accordance with the provisions of this act, his State annuity reserve, or such proportionate part of his State annuity reserve as corresponds to the amount of the reduction of his State annuity, shall be transferred from the State an-

nunity reserve account to the State annuity accumulation account.

Section 605. State Annuity Accumulation and Reserve Account for Original Members.—The State annuity accumulation and reserve account for original members shall be the ledger account to which shall be credited all contributions with respect to the State annuities payable on account of original members of Class A, Class B, Class D, Class D-1, [and] *Class D-2*, Class E and *Class E-1* made in accordance with the provisions of article III. section 304 subsection (1) and all contributions with respect to State annuities payable on account of original members of Class C made in accordance with the provisions of article III. section 304 subsection (2), except the amounts received under the provisions of the act of May 12, 1943 (P. L. 259), as amended, and the additional amount credited to the State Police benefit account. Upon the entitlement of a member of Class A, Class B, Class D, Class D-1, [or] *Class D-2*, Class E or *Class E-1*, to an allowance under the provisions of article IV. with respect to an original member, his State annuity shall be charged to the State annuity accumulation and reserve account for original members and shall be paid from the fund. Upon entitlement of a member of Class C to an allowance under the provisions of article IV. with respect to an original member, the necessary reserve on account of such member shall be transferred from the State annuity accumulation and reserve account for original members to the State Police benefit account.

Section 36. Sections 607 and 608 of the act, amended September 28, 1961 (P. L. 1723), are amended to read:

Section 607. Members' Annuity Savings Account.—The members' annuity savings account shall be the ledger account to which shall be credited the amounts of the salary deduction made from the compensation of contributors in accordance with the provisions of article III. section 301. During the continued active membership of a contributor such amount shall be credited with statutory interest. Upon the entitlement of a member of Class A, Class B, Class C who is an enforcement officer, Class D, Class D-1, [or] *Class D-2*, Class E or *Class E-1*, to an allowance under the provisions of article IV., the total accumulated deductions to his credit shall be transferred from the members' annuity savings account to the members' annuity reserve account provided for in section 608 of this article. Upon entitlement of a member of Class C who is an officer or employe of the Pennsylvania State Police to an allowance under the provisions of article IV., the total accumulated deductions to his credit shall be

Sections 607 and 608 of act, amended September 28, 1961, P. L. 1723, further amended.

transferred from the members' annuity savings account to the State Police members' annuity reserve account provided for in section 609 of this article.

Section 608. Members' Annuity Reserve Account.—The members' annuity reserve account shall be the ledger account to which shall be credited the reserves held for the payment of all members' annuities on account of members of Class A, Class B, Class C who is an enforcement officer, Class D, Class D-1, [and] Class D-2, Class E and Class E-1. Upon the entitlement of such member to an allowance under the provisions of article IV., an amount equivalent to the amount of his accumulated deductions shall be transferred from the members' annuity savings account to the members' annuity reserve account and, thereafter, his members' annuity shall be charged to said account and paid from the fund. Should the said contributor be subsequently restored to active service, his member's annuity reserve, calculated on the basis of his attained age, shall be transferred from the members' annuity reserve account to the members' annuity savings account and placed to his individual credit.

Section 37. This act shall take effect immediately.

APPROVED—The 27th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 519

AN ACT

Amending the act of August 9, 1955 (P. L. 323), entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto," providing for the audit of the accounts of aldermen, magistrates and justices of the peace by county controllers or auditors.

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

Section 1. The act of August 9, 1955 (P. L. 323), known as "The County Code," is amended by adding, after section 1722, a new section to read:

Section 1722.1. Audit of Accounts of Minor Judiciary.—The controller or county auditors may audit the accounts of every alderman, magistrate or justice of the peace within the county and report the results of such audits to the county commissioners, the Auditor General and to the governing body of each political subdivision which is entitled or has a right to receive any

Act effective immediately.

The County Code.

Act of August 9, 1955, P. L. 323, amended by adding a new section 1722.1.