

of court shall be impounded and shall be accessible only upon authorization in writing by a judge of the court from which the person was sentenced or committed.

Section 5. All acts and parts of acts, general, local and special, are repealed in so far as they are inconsistent herewith.

Section 6. This act shall take effect January 1, 1969.

APPROVED—The 31st day of July, A. D. 1968.

RAYMOND P. SHAFER.

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No. 258

AN ACT

HB 2790

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," changing certain definitions, further providing for membership and withdrawal benefits in Class D-3 and further defining duties of State employes.

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

Section 1. Clauses (15) and (19) of section 102, act of June 1, 1959 (P. L. 392), known as the "State Employes' Retirement Code of 1959," clause (15) amended April 28, 1961 (P. L. 156) and clause (19) amended August 27, 1963 (P. L. 1233), 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:

\* \* \*

(15) "Compensation" shall mean, (i) in the case of State employes other than [members of the General Assembly and] officers and employes of the Pennsylvania State Police, all compensation received, including all overtime or other extra compensation and maintenance allowances but excluding refunds for expenses incidental to employment, and in the case of members of the General Assembly, excluding expense and contingency allowances, (ii) [in the case of members of the General Assembly, six thousand dollars (\$6,000) and in the case of a constitutional officer of the General Assembly, his salary as a member of the General Assembly and any additional compensation provided by law for regular, special and extraordinary sessions of the General Assembly exclusive of expense and contingency allowances, (iii)] in the case of officers and employes of the Pennsylvania

State Police, all compensation received exclusive of maintenance allowances and expenses.

\* \* \*

(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 and all other State employes other than

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, except that for any member who

was a member of the General Assembly on July 1, 1968 and who is not a member or member-elect of the General Assembly on December 1, 1968, the final average salary of such member, other than a member who has served as a constitutional officer of the General Assembly, shall mean seven thousand two hundred dollars (\$7,200),

(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 (d.3) of subsection (1) of section 202, clause (b.4) of subsection (2) of section 402 and subsection (13) of section 506 of the act, added July 29, 1965 (P. L. 264), are amended to read:

Section 202. Classes of Membership.—

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

\* \* \*

(d.3) Class D-3 shall consist of all members of the General Assembly who have elected according to the provisions of section 506, subsection (13), prior to December 1, [1965] 1968, to become members

of Class D-3 and for each of whom all legislative service shall be credited as service rendered as a member of Class D-3 and all members of the General Assembly who have elected according to the provisions of section 506, subsection (13), on or after December 1, [1965] 1968, to become members of Class D-3 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-3.

\* \* \*

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:

\* \* \*

(b.4) Except as provided in paragraph (b.3) of this subsection, the withdrawal allowance of a member of Class D-3, who discontinued his legislative service, voluntarily or involuntarily, after having completed [eight (8)] six (6) years of such service, 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 (d.3).

\* \* \*

Section 506. Duties of State Employees.—

\* \* \*

(13) Any member or member-elect of the General Assembly as of [December 1, 1964] July 1, 1968, who desires to become a member of Class D-3, shall so elect by written notice filed with the retirement board prior to December 1, [1965] 1968, and shall agree in such notice to make contributions at the rate specified in section 301 subsection (1) paragraph (d.3) retroactive to December 1, [1964] 1966. Any member of the General Assembly elected subsequent to [December 1, 1964] July 1, 1968, who was not a member or member-elect of the General Assembly on [December 1, 1964] July 1, 1968, and who desires to become a member of Class D-3, 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.3) retroactive to December 1 of the year of his most recent election to the General Assembly.

Section 3. This act shall take effect immediately and the provisions defining compensation shall apply retroactively to all compensation constitutionally paid and received after July 9, 1965.

APPROVED—The 31st day of July, A. D. 1968.

RAYMOND P. SHAFER.

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No. 259

AN ACT

HB 79

Amending the act of May 28, 1715 (1 Smith Laws 94), entitled "An act for acknowledging and recording of deeds," changing the time within which mortgages shall be satisfied, and modernizing certain language in the act.

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

Section 1. Section X, act of May 28, 1715 (1 Smith Laws 94), entitled "An act for acknowledging and recording of deeds," is amended to read:

X. And if such mortgagee, by himself or his attorney, shall not, within [three months] forty-five days after request and tender made for his reasonable charges, [repair] return to the said office, and there make such <sup>1</sup> acknowledgment as aforesaid, he, she or they, neglecting so to do, shall for every such <sup>2</sup> offence, forfeit and pay, unto the party or parties aggrieved, any sum not exceeding the mortgage-money, to be recovered in any Court of Record within this [province] Commonwealth, by bill, [plaint] complaint or information.

APPROVED—The 31st day of July, A. D. 1968.

RAYMOND P. SHAFER.

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No. 260

AN ACT

HB 593

Amending the act of January 18, 1952 (P. L. 2111), entitled, as amended, "An act to provide for minimum compensation and increments for admin-

<sup>1</sup> "acknowledgments" in original.

<sup>2</sup> "offense" in original.