

No. 298

AN ACT

HB 1735

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," extending dates for certain benefits.

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

Section 1. Clause (19) of section 102, clause (d.3) of subsection (1) of section 202, and subsection (13) of section 506, act of June 1, 1959 (P.L.392), known as the "State Employes' Retirement Code of 1959," amended July 31, 1968 (Act No. 230) and July 31, 1968 (Act No. 258), 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:

* * *

(19) "Final average salary" shall mean, except as provided in section 401 (1.1), (i) in the case of 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]** *July 1, 1969* and who is not a member or member-elect of the General Assembly on **[December 1, 1968]** *December 1, 1970*, 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), *plus the highest average annual additional compensation received as an officer of the General Assembly during any five (5) nonoverlapping periods of twelve (12) consecutive months of contributory service*, (ii) 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 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, 1968] *December 1, 1970*, 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, 1968] *December 1, 1970*, 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.

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Section 506. Duties of State Employees.—

* * *

(13) Any member or member-elect of the General Assembly as of [July 1, 1968] *July 1, 1969*, 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, 1968] *December 1, 1970*, 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, 1966. Any member of the General Assembly elected subsequent to [July 1, 1968] *July 1, 1969*, who was not a member or member-elect of the General Assembly on [July 1, 1968] *July 1, 1969*, 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.

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APPROVED—The 30th day of December, A. D. 1970.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly No. 298.



Secretary of the Commonwealth.