

No. 1984-42

AN ACT

SB 639

Amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, changing a definition; and further providing for creditable nonstate service.

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

Section 1. The definition of "State employee" in section 5102 of Title 71 of the Pennsylvania Consolidated Statutes, amended November 26, 1982 (P.L.748, No.204) and December 14, 1982 (P.L.1249, No.284), is amended to read:

§ 5102. Definitions.

The following words and phrases as used in this part, unless a different meaning is plainly required by the context, shall have the following meanings:

* * *

"State employee." Any person holding a State office or position under the Commonwealth, employed by the State Government of the Commonwealth, in any capacity whatsoever, except an independent contractor or any person compensated on a fee basis, and shall include members of the General Assembly, and any officer or employee of the following:

(1) the Department of Education, State-owned educational institutions, community colleges, and The Pennsylvania State University, except an employee paid wholly from Federal funds;]

(1) (i) The Department of Education.

(ii) State-owned educational institutions.

(iii) Community colleges.

(iv) The Pennsylvania State University, except an employee in the College of Agriculture who is paid wholly from Federal funds or an employee who is participating in the Federal Civil Service Retirement System. The university shall be totally responsible for all employer contributions under section 5507 (relating to contributions by the Commonwealth and other employers).

(2) [the] The Pennsylvania Turnpike Commission, the Delaware River Port Authority, the Port Authority Transit Corporation, the Delaware River Joint Toll Bridge Commission, the State Public School Building Authority, The General State Authority, the State Highway and Bridge Authority, the Delaware Valley Regional Planning Commission, the Interstate Commission of the Delaware River Basin, and the Susquehanna River Basin Commission any time subsequent to its creation, provided the commission or authority agrees to contribute and does contribute to the fund, from time to time, the moneys required to build up the reserves nec-

essary for the payment of the annuities of such officers and employees without any liability on the part of the Commonwealth to make appropriations for such purposes, and provided in the case of employees of the Interstate Commission of the Delaware River Basin, that the employee shall have been a member of the system for at least ten years prior to January 1, 1963[; or].

(3) **[any]** Any separate independent public corporation created by statute, not including any municipal or quasi-municipal corporation, so long as he remains an officer or employee of such public corporation, and provided that such officer or employee of such public corporation was an employee of the Commonwealth immediately prior to his employment by such corporation, and further provided such public corporation shall agree to contribute and contributes to the fund, from time to time, the moneys required to build up the reserves necessary for the payment of the annuities of such officers and employees without any liability on the part of the Commonwealth to make appropriations for such purposes.

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Section 2. Section 5304(c) and (d) of Title 71 are amended to read:
 § 5304. Creditable nonstate service.

* * *

(c) Limitations on nonstate service.—Creditable nonstate service credit shall be limited to:

- (1) intervening military service;
- (2) other military service not exceeding five years;
- (3) service in any public school or public educational institution in any state other than this Commonwealth or in any territory or area under the jurisdiction of the United States; or 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 such area was under the jurisdiction of the United States, the total of such service not exceeding the lesser of ten years or the number of years of active membership in the system, as an officer or employee of the Department of Education or as an administrator, teacher, or instructor employed in any State-owned educational institution or The Pennsylvania State University; **[or]**

(4) previous service with a governmental agency other than the Commonwealth which employment with said agency was terminated because of the transfer by statute of the administration of such service or of the entire agency to the Commonwealth; *or*

(5) *service by an employee in the Applied Research Laboratory of The Pennsylvania State University prior to such employee's election of membership in the system, provided such previous service is certified by the university and contributions are agreed upon and made by the university in accordance with sections 5505 (relating to contributions for the purchase of credit for creditable nonstate service) and 5507(a) (relating to contributions by the Commonwealth and other employers).*

(d) Limitation on years of credit.—In no case shall the total credit for nonstate service other than that listed in subsection (c)(1) **[and]**, (4) *and* (5)

exceed the number of years of State service credited in the system, plus, in the case of a multiple service member, any additional years of school service credited in the Public School Employees' Retirement System.

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Section 3. This act shall take effect in 60 days.

APPROVED—The 4th day of April, A. D. 1984.

DICK THORNBURGH