

No. 1994-76

AN ACT

SB 1660

Amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for the transfer of certain pension service credit relating to the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network.

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

Section 1. Section 5303 of Title 71 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read:

§ 5303. Retention and reinstatement of service credits.

* * *

(f) Transfer of certain pension service credit; Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network.—

(1) An active member who is an employee of the Office of Attorney General and the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network on December 31, 1992, shall be eligible to obtain State service credit for service with the New Jersey State Police and the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network for the period December 1, 1988, to July 31, 1991, upon payment of the required contributions by the member and Office of Attorney General and the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network if the provisions of this subsection are satisfied.

(2) The employee shall elect to receive the credit by filing an application with the board while an active member no later than 90 days after the enactment of this act.

(3) Contributions to be paid by an active member for credit for New Jersey State Police and the Middle Atlantic-Great Lakes Crime Law Enforcement Network service shall be sufficient to provide an amount equal to the regular and additional accumulated deductions which would have been standing to the credit of the member for such service had regular and additional member contributions been made to the board with full coverage as a Class A member during the period of New Jersey State Police and Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network service and had these regular and additional accumulated deductions been credited with statutory interest up to the date of purchase. The amount payable shall be certified in each case by the board in accordance with methods approved by the actuary and shall be paid in a lump sum within 30 days or, in the case of an active member, may be amortized with statutory interest through salary

deductions in amounts agreed upon by the member and the board and shall be credited to the members' savings account. The amount of members' contributions so determined by the board shall be the obligation of the member who requested credit for New Jersey State Police and Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network service and in no event shall such amount be an obligation of the Office of Attorney General and Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network or the State of New Jersey Retirement System.

(4) Contributions to be paid by either the Office of Attorney General or the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network on account of credit for service as an employee of the New Jersey State Police and the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network during the period of December 1, 1988, through July 31, 1991, shall be equal to the full actuarial cost of the increased benefit obtained by virtue of the service, reduced by the member's contribution payable in a lump sum as calculated under paragraph (3). Contributions paid by the Office of Attorney General shall be made out of Regional Information Sharing Systems Program grants and Federal funds received from the Bureau of Justice Assistance, United States Department of Justice, and in no event shall the contributions be the obligation of any other fund of the Commonwealth. The contributions shall not be considered compensation for purposes of this part. The full actuarial cost of the increased benefit attributable to the New Jersey State Police and the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network service shall be the difference between subparagraphs (i) and (ii) less the member's contribution:

(i) the present value of a standard single life annuity, beginning at the earliest possible superannuation age, calculated assuming a 6.5% future salary increase, a 9% interest rate and standard postretirement mortality, assuming credit for the New Jersey State Police and the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network service to be purchased; and

(ii) the present value of a standard single life annuity, beginning at the earliest possible superannuation age, calculated assuming a 6.5% future salary increase, a 9% interest rate, standard postretirement mortality, excluding credit for the New Jersey State Police and the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network service to be purchased.

(5) The earliest possible superannuation age shall be the age at which the member becomes first eligible for superannuation retirement assuming continued full-time service and credit for the amount of service which the member has elected to purchase or the current attained age of the member, whichever is later.

(6) *The payment shall be made in lump sum by either the Office of Attorney General or the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network within 90 days of certification by the board of the required contribution amount and shall be credited to the State accumulation account.*

(7) *In the event neither the Office of Attorney General nor the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network makes the required contributions within the specified time, the State service credited shall be canceled, and any member contributions made pursuant to paragraph (3) shall be refunded to the member.*

(8) *In no event shall New Jersey State Police and Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network service be creditable if the member has received, is entitled to receive, eligible to receive now or in the future or is receiving retirement benefits for such service or has retirement credit or has now or acquires in the future retirement credit under a retirement system administered and wholly or partially paid for by any other governmental agency or by any private employer or a retirement program approved by the employer in accordance with section 5301(a)(12). In the event that State service credit is granted for New Jersey State Police and Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network service and the member subsequently receives credit for such service that is prohibited by this paragraph, the State service credited shall be canceled and any member contributions made pursuant to paragraph (3) shall be refunded to the member.*

(9) *In the event the member is or was an annuitant, any annuity paid or payable during the period of such service with the New Jersey State Police and the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network shall be canceled retroactive to the date the member began service with the New Jersey State Police and Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network, any such annuity payments made to the member shall be repaid by the member, and the provisions of section 5706 (relating to termination of annuities) shall apply if applicable. The amount payable shall be certified in each case by the board and shall be paid in a lump sum within 30 days or, in the case of an active member, may be amortized with statutory interest through salary deductions in amounts agreed upon by the member and the board and shall be credited to the members' savings account. The amount of annuity repayments so determined by the board shall be the obligation of the member who requested credit for New Jersey State Police and Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network service, and in no event shall such amount be an obligation of the Office of Attorney General and the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network.*

(10) In no event shall a member be eligible to receive credit for service to the State of New Jersey or service credited in the New Jersey Retirement System other than service rendered to the New Jersey State Police and the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network.

Section 2. This act shall take effect immediately.

APPROVED—The 5th day of October, A.D. 1994.

ROBERT P. CASEY