

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 546 Session of
2005

INTRODUCED BY HUTCHINSON, BEBKO-JONES, BENNINGHOFF, CALTAGIRONE,
CAUSER, DENLINGER, FABRIZIO, GERGELY, GINGRICH, GODSHALL,
GRUCELA, HARHART, HARPER, HESS, LEDERER, MARKOSEK, McCALL,
McGILL, McILHATTAN, MELIO, PYLE, REICHLEY, SAINATO, SCAVELLO,
R. STEVENSON, E. Z. TAYLOR, THOMAS, WASHINGTON, WILT AND
YOUNGBLOOD, FEBRUARY 15, 2005

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 28, 2005

AN ACT

1 Amending Title 24 (Education) of the Pennsylvania Consolidated
2 Statutes, further providing for creditable nonschool service
3 ~~and~~, for contributions for purchase of credit for creditable <—
4 nonschool service AND FOR ADMINISTRATIVE DUTIES OF THE PUBLIC <—
5 SCHOOL EMPLOYEES' RETIREMENT BOARD.

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

8 Section 1. Section 8304(b) of Title 24 of the Pennsylvania
9 Consolidated Statutes is amended by adding a paragraph to read:

10 § 8304. Creditable nonschool service.

11 * * *

12 (b) Limitations on nonschool service.--Creditable nonschool
13 service credit shall be limited to:

14 * * *

15 (9) (i) Previous service as a county employee of the
16 Commonwealth other than service as a county nurse. For every
17 three years of previous service as a county employee, an

1 individual may buy one year of creditable service, not to
2 exceed a total of five years. A fraction of a year of the
3 previous service that is equal to or greater than one-half
4 shall be considered one year for purposes of this paragraph.

5 (ii) Previous service as a county employee of the
6 Commonwealth other than service as a county nurse shall
7 be subject to the following limitations:

8 (A) During such service the person was a full-
9 time employee not employed as an independent
10 contractor or compensated on a fee basis.

11 (B) During such service the employee was an
12 active member of the county retirement system or, in
13 the event that no county retirement system existed
14 during the person's period of employment, the person
15 would be eligible to be an active member in the
16 present local retirement system.

17 (C) The member makes contributions for this
18 service in accordance with section 8324(e) (relating
19 to contributions for purchase of credit for
20 creditable nonschool service).

21 * * *

22 Section 2. ~~Section 8324(e) of Title 24 is~~ SECTIONS 8324(E) <—
23 AND 8502(E) OF TITLE 24 ARE amended to read:

24 § 8324. Contributions for purchase of credit for creditable
25 nonschool service.

26 * * *

27 (e) Creditable work experience.--Contributions on account of
28 T-C credit for creditable work experience pursuant to section
29 8304(b)(6) and (9) shall be the present value of the full
30 actuarial cost of the increase in the projected superannuation

1 annuity caused by the additional service credited on account of
2 the purchase of creditable work experience. The amount paid for
3 the purchase of credit for creditable work experience shall not
4 be payable as a lump sum under section 8345(a)(4)(iii) (relating
5 to member's options). [Any individual eligible to receive an
6 annuity, excluding an annuity received under the Federal Social
7 Security Act (42 U.S.C. § 301 et seq.), in another pension
8 system, other than a military pension system, shall not be
9 eligible to purchase this service.]

10 * * *

11 § 8502. ADMINISTRATIVE DUTIES OF BOARD. <—

12 * * *

13 (E) RECORDS.--

14 (1) THE BOARD SHALL KEEP A RECORD OF ALL ITS PROCEEDINGS
15 WHICH SHALL BE OPEN TO INSPECTION BY THE PUBLIC[.], EXCEPT AS
16 OTHERWISE PROVIDED IN THIS PART OR BY OTHER LAW.

17 (2) ANY RECORD, MATERIAL OR DATA RECEIVED, PREPARED,
18 USED OR RETAINED BY THE BOARD OR ITS EMPLOYEES, INVESTMENT
19 PROFESSIONALS OR AGENTS RELATING TO INVESTMENTS SHALL NOT BE
20 REQUIRED TO BE OPEN TO INSPECTION BY THE PUBLIC AND SHALL NOT
21 CONSTITUTE A PUBLIC RECORD UNDER THE ACT OF JUNE 21, 1957
22 (P.L.390, NO.212), REFERRED TO AS THE RIGHT-TO-KNOW LAW, IF,
23 IN THE REASONABLE JUDGMENT OF THE BOARD, THE DISCLOSURE WOULD
24 HAVE AN ADVERSE EFFECT ON THE VALUE OF AN INVESTMENT TO BE
25 ACQUIRED, HELD OR DISPOSED OF BY THE FUND OR OTHERWISE CAUSE
26 A BREACH OF THE STANDARD OF CARE OR FIDUCIARY DUTY SET FORTH
27 IN THIS PART, SUBJECT, HOWEVER, TO THE CONDITION THAT SUCH
28 INFORMATION SHALL BE SUBJECT TO PUBLIC INSPECTION ONCE ITS
29 RELEASE WOULD NO LONGER HAVE A DETRIMENTAL EFFECT ON THE
30 VALUE OF AN INVESTMENT OF THE FUND OR CAUSE A BREACH OF THE

1 STANDARD OF CARE OR FIDUCIARY DUTY SET FORTH IN THIS PART.

2 (3) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED OR
3 DEEMED TO IMPLY THAT, BUT FOR THE EXCLUSION PROVIDED IN THIS
4 SUBSECTION, ANY TYPE OF RECORD, MATERIAL OR DATA DESCRIBED IN
5 THIS SUBSECTION IS REQUIRED TO BE OPEN TO INSPECTION BY THE
6 PUBLIC OR CONSTITUTE A PUBLIC RECORD UNDER THE RIGHT-TO-KNOW
7 LAW.

8 (4) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED OR
9 DEEMED TO IMPLY THAT THE RELEASE OR MAKING PUBLIC OF A
10 RECORD, MATERIAL OR DATA DESCRIBED IN IT AS NOT BEING A
11 PUBLIC RECORD IS A VIOLATION OF THE BOARD'S FIDUCIARY DUTIES.

12 (5) THIS SUBSECTION SHALL APPLY TO ALL RECORDS, MATERIAL
13 OR DATA DESCRIBED IN IT, WITHOUT REGARD TO WHETHER THE
14 RECORD, MATERIAL OR DATA WAS CREATED, GENERATED OR STORED
15 BEFORE THE EFFECTIVE DATE OF THIS PARAGRAPH, WITHOUT REGARD
16 TO WHETHER THE RECORD, MATERIAL OR DATA HAS PREVIOUSLY BEEN
17 RELEASED OR MADE PUBLIC AND WITHOUT REGARD TO WHETHER A
18 REQUEST FOR THE RECORD, MATERIAL OR DATA HAS BEEN MADE OR IS
19 PENDING FINAL RESPONSE UNDER THE RIGHT-TO-KNOW LAW.

20 (6) IN THE EVENT THAT THE SYSTEM HAS COLLECTED A FEE OR
21 OTHER MONETARY CHARGE FOR THE PREPARATION, DUPLICATION,
22 PRODUCTION, OR REDACTION OR OTHER EXPENSES ASSOCIATED WITH
23 THE INSPECTION OR PROVISION OF RECORDS, MATERIAL OR DATA
24 THAT, AS A RESULT OF THIS SUBSECTION, WILL NOT BE MADE
25 AVAILABLE FOR INSPECTION BY, AND WILL NOT BE PROVIDED TO, THE
26 REQUESTER WHO MADE THE PAYMENT, THE SYSTEM SHALL RETURN THE
27 FEE OR MONEY TO THE REQUESTER.

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