
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2945

Session of
1980

INTRODUCED BY E. Z. TAYLOR, DURHAM AND E. R. LYNCH,
SEPTEMBER 25, 1980

REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 25, 1980

AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania
2 Consolidated Statutes, providing optional membership in the
3 system for members of the judiciary.

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

6 Section 1. Section 5301 of Title 71, act of November 25,
7 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated
8 Statutes, is amended to read:

9 § 5301. Mandatory and optional membership.

10 (a) Mandatory membership.--Membership in the system shall be
11 mandatory as of the effective date of employment for all State
12 employees except the following:

13 (1) Governor.

14 (2) Lieutenant Governor.

15 (3) Members of the General Assembly.

16 (4) Heads or deputy heads of administrative departments.

17 (5) Members of any independent administrative board or
18 commission.

1 (6) Members of any departmental board or commission.

2 (7) Members of any advisory board or commission.

3 (8) Secretary to the Governor.

4 (9) Budget Secretary.

5 (10) Legislative employees.

6 (10.1) Members of the judiciary.

7 (11) School employees who have elected membership in the
8 Public School Employees' Retirement System.

9 (12) School employees who have elected membership in an
10 independent retirement program approved by the employer,
11 provided that in no case shall the employer contribute on
12 account of such elected membership at a rate greater than the
13 employer normal contribution rate as determined in section
14 5508(b) (relating to actuarial cost method).

15 (13) Persons who have elected to retain membership in
16 the retirement system of the political subdivision by which
17 they were employed prior to becoming eligible for membership
18 in the State Employees' Retirement System.

19 (14) Persons who are not members of the system and are
20 employed on a per diem or hourly basis for less than 100 days
21 or 750 hours in a 12-month period.

22 (b) Optional membership.--The State employees listed in
23 subsection (a)(1) through (11) shall have the right to elect
24 membership in the system; once such election is exercised,
25 membership shall continue until the termination of State
26 service.

27 (c) Prohibited membership.--The State employees listed in
28 subsection (a)(12), (13) and (14) shall not have the right to
29 elect membership in the system.

30 Section 2. Members of the judiciary holding office on the

1 effective date of this amendatory shall have 60 days from such
2 date to elect to discontinue membership in the system. Any
3 member of the judiciary electing to withdraw from the system
4 within that period shall be paid a sum equal to his total
5 accumulated contributions to the system, plus statutory interest
6 thereon, unless such person is vested, in which case he may
7 elect to leave his total accumulated contributions in the
8 system, and upon termination of State service, receive benefits
9 based solely on these contributions and on only those years of
10 State service while a contributing member of the system.

11 Section 3. This act shall take effect immediately.