

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 168 Session of
1995

INTRODUCED BY M. COHEN, LUCYK, THOMAS, ROONEY, JAROLIN, GEORGE,
NAILOR, TIGUE, COWELL, STABACK, PESCI, MAYERNIK, CURRY,
DALEY, D. R. WRIGHT, TRELLO, JOSEPHS, STERN, McCALL,
WASHINGTON, PETRONE, E. Z. TAYLOR, LAUGHLIN, RICHARDSON,
HORSEY, MIHALICH, YOUNGBLOOD, HALUSKA, MICHLOVIC, BELARDI,
B. SMITH, WOGAN, TRAVAGLIO, BELFANTI, LEDERER AND
L. I. COHEN, JANUARY 20, 1995

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 20, 1995

AN ACT

1 Amending Titles 24 (Education) and 71 (State Government) of the
2 Pennsylvania Consolidated Statutes, providing for special
3 supplemental postretirement adjustments.

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

6 Section 1. Title 24 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 8348.4. Special supplemental postretirement adjustment.

9 (a) Eligibility.--An annuitant who:

10 (1) retired after October 1, 1975, and before ~~December~~ <—

11 ~~31, 1984~~ JANUARY 1, 1985; <—

12 (2) has military service as set forth in section
13 8304(b)(1) or (2) (relating to creditable nonschool service);

14 (3) is receiving or will receive retirement pay under 10
15 U.S.C. Ch. 67 (relating to retired pay for nonregular

service) for this military service; and

(4) has not purchased nonschool service credit for this
military service;

shall be eligible for this special supplemental postretirement
adjustment.

(b) Calculation of adjustment.--The monthly amount of this
special supplemental postretirement adjustment shall be equal to
the final average salary multiplied by 2% multiplied by the
years of this military service divided by 12 multiplied by any
applicable early retirement or option factors.

(c) Adjustment paid.--Upon receipt of a timely request by an
eligible annuitant, the system shall pay this special
supplemental postretirement adjustment monthly from the
effective date of this section.

(d) Adjustment enacted after death of annuitant.--No special
supplemental postretirement adjustment enacted after the death
of an annuitant shall be payable to the beneficiary or survivor
annuitant of the deceased annuitant.

(e) Future supplemental annuities.--This special
supplemental postretirement adjustment shall be included in the
total annuity, and this military service shall be included in
the total credited service in determining all future
supplemental annuities.

(f) Time limitations.--An annuitant who is eligible for this
special supplemental postretirement adjustment shall have two
years from the effective date of this section within which to
make a request to the system for the adjustment established in
this section.

(g) Court-ordered purchase of nonschool service.--If a court
of competent jurisdiction rules that an annuitant who is

1 receiving or will receive retirement pay under 10 U.S.C. Ch. 67
2 for this military service is eligible under section 8304(b)(1)
3 or (2) to purchase nonschool service credit for this military
4 service, this special supplemental postretirement adjustment
5 shall stop with the annuitant's purchase of nonschool service
6 credit for this military service, and the total amount of this
7 special supplemental postretirement paid to the annuitant from
8 the effective date of this section shall be subtracted from any
9 increase in the annuity caused by the court-ordered purchase of
10 nonschool service credit for this military service.

11 Section 2. Title 71 is amended by adding a section to read:
12 § 5708.4. Special supplemental postretirement adjustment.

13 (a) Eligibility.--An annuitant who:

14 (1) retired after February 28, 1974, and before December <—
15 31, 1984 JANUARY 1, 1985; <—

16 (2) has military service as set forth in section
17 5304(c)(1) or (2) (relating to creditable nonstate service);

18 (3) is receiving or will receive retirement pay under 10
19 U.S.C. Ch. 67 (relating to retired pay for nonregular
20 service) for this military service; and

21 (4) has not purchased nonstate service credit for this
22 military service;

23 shall be eligible for this special supplemental postretirement
24 adjustment.

25 (b) Calculation of adjustment.--The monthly amount of this
26 special supplemental postretirement adjustment shall be equal to
27 the final average salary multiplied by 2% multiplied by the
28 years of this military service divided by 12 multiplied by any
29 applicable early retirement or option factors.

30 (c) Adjustment paid.--Upon receipt of a timely request by an

1 eligible annuitant, the system shall pay this special
2 supplemental postretirement adjustment monthly from the
3 effective date of this section.

4 (d) Adjustment enacted after death of annuitant.--No special
5 supplemental postretirement adjustment enacted after the death
6 of an annuitant shall be payable to the beneficiary or survivor
7 annuitant of the deceased annuitant.

8 (e) Future supplemental annuities.--This special
9 supplemental postretirement adjustment shall be included in the
10 total annuity, and this military service shall be included in
11 the total credited service in determining all future
12 supplemental annuities.

13 (f) Time limitations.--An annuitant who is eligible for this
14 special supplemental postretirement adjustment shall have two
15 years from the effective date of this section within which to
16 make a request to the system for the adjustment established in
17 this section.

18 (g) Court-ordered purchase of nonstate service.--If a court
19 of competent jurisdiction rules that an annuitant who is
20 receiving or will receive retirement pay under 10 U.S.C. Ch. 67
21 for this military service is eligible under section 5304(c)(1)
22 or (2) to purchase nonstate service credit for this military
23 service, this special supplemental postretirement adjustment
24 shall stop with the annuitant's purchase of nonstate service
25 credit for this military service, and the total amount of this
26 special supplemental postretirement adjustment paid to the
27 annuitant from the effective date of this section shall be
28 subtracted from any increase in the annuity caused by the court
29 ordered purchase of nonstate service credit for this military
30 service.

1 Section 3. This act shall be retroactive to January 1, 1974.

2 Section 4. This act shall take effect immediately.