

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 382 Session of
1997

INTRODUCED BY TILGHMAN, FEBRUARY 6, 1997

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 26, 1997

AN ACT

1 Amending the act of July 28, 1953 (P.L.723, No.230), entitled,
2 as amended, "An act relating to counties of the second class
3 and second class A; amending, revising, consolidating and
4 changing the laws relating thereto," PROVIDING FOR RETIREMENT <—
5 ELIGIBILITY AND FOR ALLOWANCE; providing counties of the
6 second class A with the power to make grants to townships,
7 boroughs and nonprofit organizations for parks, recreation
8 areas, open space projects and such other outdoor projects
9 and for historic and museum projects.

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

12 ~~Section 1. Section 2199.12 of the act of July 28, 1953 <—~~
13 ~~(P.L.723, No.230), known as the Second Class County Code, is~~
14 ~~amended to read:~~

15 SECTION 1. SECTION 1710(A), (B) AND (H) OF THE ACT OF JULY <—
16 28, 1953 (P.L.723, NO.230), KNOWN AS THE SECOND CLASS COUNTY
17 CODE, AMENDED FEBRUARY 9, 1984 (P.L.12, NO.6), MAY 9, 1984
18 (P.L.261, NO.61) AND DECEMBER 4, 1992 (P.L.776, NO.121), ARE
19 AMENDED TO READ:

20 SECTION 1710. EMPLOYES ELIGIBLE FOR RETIREMENT ALLOWANCES.--

1 (A) EVERY PRESENT OR FUTURE COUNTY EMPLOYE [WHO WAS INITIALLY
2 HIRED ON OR PRIOR TO THE EFFECTIVE DATE OF THIS AMENDATORY ACT,]
3 WHO HAS REACHED THE AGE OF SIXTY YEARS OR UPWARDS AND WHO HAS TO
4 HIS OR HER CREDIT A PERIOD OF SERVICE OF EIGHT YEARS, BUT LESS
5 THAN TWENTY YEARS[, OR EVERY COUNTY EMPLOYE WHO WAS HIRED AFTER
6 THE EFFECTIVE DATE OF THIS AMENDATORY ACT, WHO HAS REACHED THE
7 AGE OF SIXTY-FIVE YEARS OR UPWARDS AND WHO HAS TO HIS OR HER
8 CREDIT A PERIOD OF SERVICE OF TEN YEARS, BUT LESS THAN TWENTY
9 YEARS] SHALL, UPON APPLICATION TO THE BOARD, BE ELIGIBLE FOR
10 RETIREMENT FROM SERVICE, AND SHALL THEREAFTER RECEIVE, DURING
11 LIFE, EXCEPT AS HEREINAFTER PROVIDED, A RETIREMENT ALLOWANCE
12 COMPUTED ON A SERVICE PERIOD OF TWENTY (20) YEARS WHICH SHALL
13 EQUAL ONE TWENTIETH (1/20) OF SUCH AMOUNT AS HE OR SHE MAY BE
14 ELIGIBLE TO RECEIVE IN ACCORDANCE WITH THE PROVISIONS OF
15 SUBSECTION (A) OF SECTION 1712, FOR EACH YEAR'S SERVICE WHICH
16 SUCH COUNTY EMPLOYE MAY HAVE TO HIS OR HER CREDIT DURING THE
17 AFORESAID PERIOD OF TIME. THE TIME SPENT IN THE EMPLOY OF THE
18 COUNTY OR COUNTY INSTITUTION DISTRICT NEED NOT NECESSARILY HAVE
19 BEEN CONTINUOUS. THE AFORESAID RETIREMENT ALLOWANCE SHALL BE
20 SUBJECT TO A SUSPENSION THEREOF IN ACCORDANCE WITH THE
21 PROVISIONS OF SUBSECTION (H) OF THIS SECTION 1710 AND SUBSECTION
22 (C) OF SECTION 1712.

23 (B) EVERY PRESENT OR FUTURE COUNTY EMPLOYE, OTHER THAN A
24 MEMBER OF THE POLICE FORCE OR THE FIRE DEPARTMENT OR A FIRE
25 INSPECTOR OR A SHERIFF OR DEPUTY SHERIFF, [WHO WAS INITIALLY
26 HIRED ON OR PRIOR TO THE EFFECTIVE DATE OF THIS AMENDATORY ACT,]
27 WHO HAS REACHED THE AGE OF SIXTY YEARS OR UPWARDS AND WHO HAS TO
28 HIS OR HER CREDIT A PERIOD OF SERVICE OF [EIGHT YEARS, BUT LESS
29 THAN] TWENTY YEARS OR MORE, [OR EVERY COUNTY EMPLOYE, OTHER THAN
30 A MEMBER OF THE POLICE OR THE FIRE DEPARTMENT OR A FIRE

1 INSPECTOR, WHO WAS HIRED AFTER THE EFFECTIVE DATE OF THIS
2 AMENDATORY ACT, WHO HAS REACHED THE AGE OF SIXTY-FIVE YEARS OR
3 UPWARDS, AND WHO HAS TO HIS OR HER CREDIT A PERIOD OF SERVICE OF
4 TEN YEARS, BUT LESS THAN TWENTY YEARS,] AND EVERY COUNTY EMPLOYE
5 WHO IS A MEMBER OF THE POLICE FORCE OR THE FIRE DEPARTMENT OR A
6 FIRE INSPECTOR, AND WHO SHALL HAVE BEEN A COUNTY EMPLOYE DURING
7 A PERIOD OF TWENTY OR MORE YEARS AND HAS REACHED THE AGE OF
8 FIFTY YEARS OR UPWARDS SHALL, UPON APPLICATION TO THE BOARD, BE
9 ELIGIBLE FOR RETIREMENT FROM SERVICE, AND SHALL THEREAFTER
10 RECEIVE, DURING LIFE, EXCEPT AS HEREINAFTER PROVIDED, A
11 RETIREMENT ALLOWANCE PLUS A SERVICE INCREMENT IF ANY, IN
12 ACCORDANCE WITH THE PROVISIONS OF SECTION 1712. EVERY COUNTY
13 OFFICER OR EMPLOYE WHO IS A SHERIFF, DEPUTY SHERIFF OR PRISON
14 GUARD WHO SHALL HAVE BEEN A COUNTY OFFICER OR EMPLOYE DURING A
15 PERIOD OF TWENTY OR MORE YEARS AND HAS REACHED THE AGE OF FIFTY-
16 FIVE YEARS OR UPWARD, SHALL, UPON APPLICATION TO THE BOARD, BE
17 ELIGIBLE FOR RETIREMENT FROM SERVICE AND SHALL THEREAFTER
18 RECEIVE, DURING LIFE, EXCEPT AS HEREINAFTER PROVIDED, A RETIREMENT
19 ALLOWANCE IN ACCORDANCE WITH SECTION 1712. THE TIME SPENT IN THE
20 EMPLOY OF THE COUNTY OR COUNTY INSTITUTION DISTRICT NEED NOT
21 NECESSARILY HAVE BEEN CONTINUOUS: PROVIDED, THAT WHEN ANY COUNTY
22 EMPLOYE HAS TWENTY OR MORE YEARS SERVICE, NOT NECESSARILY
23 CONTINUOUS, AND HAS NOT REACHED THE AGE OF [FIFTY] SIXTY YEARS
24 OR UPWARDS, AND SHALL BE SEPARATED FROM THE SERVICE OF THE
25 COUNTY OR COUNTY INSTITUTION DISTRICT BY REASON OF NO CAUSE OR
26 ACT OF HIS OR HER OWN, UPON APPLICATION TO THE BOARD HE OR SHE
27 SHALL THEREAFTER RECEIVE, DURING LIFE, EXCEPT AS HEREINAFTER
28 PROVIDED, A RETIREMENT ALLOWANCE PLUS A SERVICE INCREMENT IF
29 ANY, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1712. THE
30 AFORESAID RETIREMENT ALLOWANCE PLUS A SERVICE INCREMENT IF ANY,

1 SHALL BE SUBJECT TO A SUSPENSION THEREOF IN ACCORDANCE WITH THE
2 PROVISIONS OF SUBSECTION (H) OF THIS SECTION 1710 AND SUBSECTION
3 (C) OF SECTION 1712.

4 * * *

5 (H) (1) OPTION I. ANY PRESENT OR FUTURE COUNTY EMPLOYE WHO
6 HAS NOT REACHED [FIFTY] SIXTY YEARS OF AGE [BUT LESS THAN SIXTY
7 OR SIXTY-FIVE, WHICHEVER IS APPLICABLE], AND WHO HAS TO HIS OR
8 HER CREDIT A PERIOD OF AT LEAST THE MINIMUM NUMBER OF YEARS OF
9 SERVICE SPECIFIED IN SUBSECTION (A) OF THIS SECTION BUT LESS
10 THAN TWENTY YEARS OF SERVICE, SHALL UPON APPLICATION TO THE
11 BOARD BE ELIGIBLE TO RECEIVE AT AGE SIXTY YEARS [OR SIXTY-FIVE
12 YEARS, WHICHEVER IS APPLICABLE,] A RETIREMENT ALLOWANCE COMPUTED
13 ON A SERVICE PERIOD OF TWENTY YEARS, WHICH SHALL EQUAL ONE-
14 TWENTIETH OF SUCH AMOUNT AS HE OR SHE MAY BE ELIGIBLE TO RECEIVE
15 IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (A) OF SECTION
16 1712 FOR EACH YEAR'S SERVICE WHICH SUCH COUNTY EMPLOYE MAY HAVE
17 TO HIS OR HER CREDIT DURING THE AFORESAID PERIOD OF TIME. THE
18 TIME SPENT IN THE EMPLOY OF THE COUNTY OR COUNTY INSTITUTION
19 DISTRICT NEED NOT NECESSARILY HAVE BEEN CONTINUOUS.

20 (2) OPTION II. ANY PRESENT OR FUTURE COUNTY EMPLOYE WHO HAS
21 NOT REACHED [FIFTY] SIXTY YEARS OF AGE [BUT LESS THAN SIXTY OR
22 SIXTY-FIVE, WHICHEVER IS APPLICABLE], AND WHO HAS TO HIS OR HER
23 CREDIT A PERIOD OF THE MINIMUM NUMBER OF YEARS OF SERVICE
24 SPECIFIED IN SUBSECTION (A) OF THIS SECTION BUT LESS THAN TWENTY
25 YEARS OF SERVICE, SHALL UPON APPLICATION TO THE BOARD BE
26 ELIGIBLE TO RECEIVE THEREAFTER, A RETIREMENT COMPUTED ON A
27 SERVICE PERIOD OF TWENTY YEARS, WHICH SHALL EQUAL ONE-TWENTIETH
28 OF SUCH AMOUNT AS HE OR SHE MAY BE ELIGIBLE TO RECEIVE IN
29 ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (A) OF SECTION 1712
30 FOR EACH YEAR'S SERVICE WHICH SUCH COUNTY EMPLOYE MAY HAVE TO

1 HIS OR HER CREDIT DURING THE AFORESAID PERIOD OF TIME. FURTHER,
2 THE ABOVE RETIREMENT ALLOWANCE SHALL BE SUBJECT TO A REDUCTION
3 OF ONE-HALF OF ONE PER CENTUM FOR EACH MONTH UNDER THE AGE OF
4 SIXTY YEARS [OR SIXTY-FIVE YEARS, WHICHEVER IS APPLICABLE]. IN
5 NO EVENT SHALL A RETIREMENT ALLOWANCE BE PAID UNTIL THE AGE OF
6 FIFTY-FIVE YEARS IS ATTAINED. THE TIME SPENT IN THE EMPLOY OF
7 THE COUNTY OR COUNTY INSTITUTION DISTRICT NEED NOT NECESSARILY
8 HAVE BEEN CONTINUOUS. THE AFORESAID RETIREMENT ALLOWANCE ELECTED
9 UNDER OPTION I SHALL BECOME NULL AND VOID IF SAID COUNTY OR
10 COUNTY INSTITUTION DISTRICT EMPLOYEE IS REEMPLOYED PRIOR TO AGE
11 SIXTY IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (C) OF
12 SECTION 1712.

13 * * *

14 SECTION 2. SECTION 1712(B.1) OF THE ACT, AMENDED DECEMBER
15 10, 1980 (P.L.1165, NO.213), IS AMENDED TO READ:

16 SECTION 1712. AMOUNT OF RETIREMENT ALLOWANCES.--* * *

17 (B.1) IN ADDITION TO THE RETIREMENT ALLOWANCE WHICH IS
18 AUTHORIZED BY THIS ARTICLE AND NOTWITHSTANDING THE LIMITATIONS
19 THEREIN PLACED UPON RETIREMENT ALLOWANCES, ANY PRESENT OR FUTURE
20 COUNTY EMPLOYEE WHO UPON RETIREMENT SHALL BE ELIGIBLE TO RECEIVE
21 PAYMENT OF A RETIREMENT ALLOWANCE AND WHO HAS BEEN EMPLOYED AS
22 SUCH FOR [TWENTY-ONE] TWENTY OR MORE YEARS DURING WHICH PERIOD
23 OF TIME HE OR SHE SHALL HAVE MADE MONTHLY CONTRIBUTIONS INTO THE
24 RETIREMENT FUND, SHALL ALSO BE ELIGIBLE TO THE PAYMENT IN
25 ADDITION TO A RETIREMENT ALLOWANCE A SERVICE INCREMENT OF TWO
26 PER CENTUM PER YEAR COMPUTED UPON THE ANNUAL RETIREMENT
27 ALLOWANCE TO WHICH HE OR SHE IS ENTITLED. SAID SERVICE INCREMENT
28 SHALL BE THE SUM OBTAINED BY COMPUTING THE NUMBER OF FULL YEARS,
29 AND ANY PORTION OF A YEAR, IN EXCESS OF TWENTY YEARS DURING
30 WHICH PERIOD OF TIME HE OR SHE SHALL HAVE MADE MONTHLY OR BI-

1 WEEKLY CONTRIBUTIONS INTO THE RETIREMENT FUND. NO SERVICE
2 INCREMENT SHALL BE PAID FOR MORE THAN TWENTY (20) SUCH EXCESS
3 SERVICE YEARS [NOR SHALL A SERVICE INCREMENT BE PAID FOR A
4 FRACTION OF SUCH SERVICE YEAR]. EFFECTIVE AS OF JANUARY 1, 1989,
5 IN THE EVENT AN EMPLOYE, ON THE EFFECTIVE DATE OF EMPLOYMENT
6 TERMINATION, SHALL HAVE LESS THAN A FULL YEAR OF SERVICE FOR THE
7 PURPOSE OF COMPUTING THE EMPLOYEE'S SERVICE INCREMENT, THEN THE
8 AMOUNT OF THE SERVICE INCREMENT, WHICH WOULD HAVE BEEN COMPUTED
9 HAD THE EMPLOYEE COMPLETED A FULL TWELVE-MONTH PERIOD FOR THE
10 YEAR OF THE TERMINATION OF EMPLOYMENT, SHALL BE PRORATED UPON A
11 FULL COMPLETED MONTH BASIS FOR SAID LAST YEAR OF SERVICE
12 INCREMENT.

13 SECTION 3. SECTION 1713(D) OF THE ACT, AMENDED JUNE 29, 1976
14 (P.L.461, NO.116), IS AMENDED TO READ:

15 SECTION 1713. RETIREMENT ALLOWANCES AFTER LEAVING SERVICE.--
16 * * *

17 (D) OPTION I. ANY PERSON WHO, AFTER TWENTY OR MORE YEARS'
18 SERVICE AS A COUNTY EMPLOYE RESIGNS FROM HIS OR HER OFFICE
19 POSITION OR EMPLOYMENT BEFORE REACHING THE AGE OF SIXTY YEARS
20 WHEN HE OR SHE ATTAINS THE AGE OF SIXTY YEARS, WHEN SUCH FORMER
21 COUNTY EMPLOYE SHALL BE ELIGIBLE TO RECEIVE A RETIREMENT
22 ALLOWANCE WHICH SHALL BE COMPUTED ON THE AVERAGE MONTHLY
23 COMPENSATION AS RECEIVED BY THE FORMER COUNTY EMPLOYE PRIOR TO
24 HIS OR HER SEPARATION FROM THE SERVICE OF THE COUNTY OR COUNTY
25 INSTITUTION DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF
26 SUBSECTION (A) OF SECTION 1712. SUCH FORMER COUNTY EMPLOYE SHALL
27 BE ELIGIBLE TO RECEIVE, IN ADDITION TO A RETIREMENT ALLOWANCE, A
28 SERVICE INCREMENT, IF ANY, IN ACCORDANCE WITH THE PROVISIONS OF
29 SUBSECTION (B) OF SECTION 1712 ONLY TO THE TIME OF HIS OR HER
30 SEPARATION FROM THE SERVICE OF THE COUNTY OR COUNTY INSTITUTION

1 DISTRICT.

2 OPTION II. EMPLOYE MAY ELECT TO RECEIVE IMMEDIATE RETIREMENT
3 ALLOWANCE BENEFITS UNDER THE AGE OF SIXTY YEARS PROVIDED THAT
4 SAID RETIREMENT ALLOWANCE BE REDUCED BY ONE-HALF OF ONE PER
5 CENTUM FOR EACH MONTH UNDER THE AGE OF SIXTY YEARS. OPTION I OR
6 OPTION II ELECTION SHALL BE FINAL UPON SEPARATION OF HIS OR HER
7 SERVICE FROM THE COUNTY.

8 OPTION III. ANY EMPLOYE UNDER SIXTY YEARS OF AGE WHO HAS
9 SERVED TWENTY YEARS OR MORE AND WHO WAS DISMISSED THROUGH NO
10 FAULT OF HIS OWN MAY ELECT TO RECEIVE IMMEDIATE RETIREMENT
11 ALLOWANCE BENEFITS PLUS A SERVICE INCREMENT, IF ANY, EQUAL TO
12 SEVENTY PER CENTUM OF THE BENEFITS HE WOULD BE ENTITLED TO
13 RECEIVE HAD HE CONTINUED TO BE EMPLOYED UNTIL AGE SIXTY. THE
14 SERVICE INCREMENT SHALL BE EFFECTIVE AS OF JANUARY 1, 1989.

15 SECTION 4. SECTION 2199.12 OF THE ACT IS AMENDED TO READ:

16 Section 2199.12. Appropriations to Municipalities for Parks,
17 Recreation Areas, etc.--The board of commissioners of any county
18 of the second class A may appropriate from county funds moneys
19 for grants to assist boroughs or townships within the county as
20 well as nonprofit organizations in the purchase [or],
21 acquisition, improvement, equipping or landscaping, including
22 the planting of shrubs and shade trees, of lands [or], buildings
23 [or both] and facilities, and in the case of buildings and
24 facilities, demolition of such, for parks, recreation areas,
25 open space projects and other such outdoor projects and for
26 historic or museum projects. For the purposes of this section,
27 the term "nonprofit organizations" shall mean entities which are
28 tax exempt under section 501(a) of the Internal Revenue Code of
29 1986, (Public Law 99-514, 26 U.S.C. § 501(a)) as amended (or any
30 successor provision thereto); not operated for profit; and

1 organized to:

2 (1) preserve or conserve open space, natural resources or
3 natural habitats;

4 (2) promote outdoor recreation and the acquisition and
5 development of facilities related thereto; or

6 (3) preserve sites of historical significance.

7 Section 2 5. This act shall take effect immediately.

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