

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 139

Session of  
1987

INTRODUCED BY STAUFFER AND ZEMPRELLI, JANUARY 15, 1987

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JULY 2, 1987

AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania  
2 Consolidated Statutes, FURTHER DEFINING THE TERM <—  
3 "SUPERANNUATION AGE" TO INCLUDE POLICEMEN OF THE DELAWARE  
4 RIVER PORT AUTHORITY; AND transferring the pension service  
5 credit of certain former county employees to the State  
6 Employees' Retirement System.

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

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

11 SECTION 1. THE DEFINITION OF "SUPERANNUATION AGE" IN SECTION <—  
12 5102 OF TITLE 71 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS  
13 AMENDED TO READ:

14 § 5102. DEFINITIONS.

15 THE FOLLOWING WORDS AND PHRASES AS USED IN THIS PART, UNLESS  
16 A DIFFERENT MEANING IS PLAINLY REQUIRED BY THE CONTEXT, SHALL  
17 HAVE THE FOLLOWING MEANINGS:

18 \* \* \*

1 "SUPERANNUATION AGE." ANY AGE UPON ACCRUAL OF 35 ELIGIBILITY  
2 POINTS OR AGE 60, EXCEPT FOR A MEMBER OF THE GENERAL ASSEMBLY,  
3 AN ENFORCEMENT OFFICER, A CORRECTION OFFICER, A PSYCHIATRIC  
4 SECURITY AIDE, A DELAWARE RIVER PORT AUTHORITY POLICEMAN OR AN  
5 OFFICER OF THE PENNSYLVANIA STATE POLICE, AGE 50.

6 \* \* \*

7 SECTION 2. SECTION 5303 OF TITLE 71 IS AMENDED BY ADDING A  
8 SUBSECTION TO READ:

9 § 5303. Retention and reinstatement of service credits.

10 \* \* \*

11 (d) Transfer of certain pension service credit.--

12 (1) Any person who was an employee of any county in this  
13 Commonwealth on the personal staff of an appellate court  
14 judge prior to September 9, 1985, and who had that employment  
15 transferred to the Commonwealth pursuant to 42 Pa.C.S. § 3703  
16 (relating to local chamber facilities), shall be a member of  
17 the system for all service rendered as an employee of the  
18 Commonwealth on the personal staff of an appellate court  
19 judge subsequent to the date of the transfer unless  
20 specifically prohibited pursuant to section 5301(c) (relating  
21 to mandatory and optional membership). The employee shall be  
22 entitled to have any prior service credit in that county or  
23 other municipal pension plan or retirement system transferred  
24 to the system and deemed to be State service for all purposes  
25 under this part. However, for those employees who were in  
26 continuous county employment which commenced prior to July  
27 22, 1983, section 5505.1 shall not apply. The transfer of  
28 prior service credit to the system shall occur upon the  
29 transfer, by the member, county or other municipal pension  
30 plan or retirement system, to the system of the amount of

1 accumulated member contributions, pick-up contributions and  
2 credited interest standing in the employee's county or  
3 municipal pension plan or retirement system account as of the  
4 date that these funds are transferred to the system. In the  
5 event that these funds have been refunded to the member, the  
6 transfer of service credit shall occur when the member  
7 transfers an amount equal to either the refund which the  
8 member received from the county or municipal pension plan or  
9 retirement system or the amount due under section 5504, if  
10 less. In the case of a transfer by the member, the transfer  
11 shall occur by December 31, 1987, in order for the member to  
12 receive credit for the prior service. In the case of a  
13 transfer by the county or other municipal pension plan or  
14 retirement system, the transfer shall also occur by December  
15 31, 1987. If the amount transferred by the member, county or <—  
16 other municipal pension plan or retirement system is less  
17 than the amount that would have accumulated in the member's  
18 account if the employee had been a member of the system, the  
19 Administrative Office of Pennsylvania Courts shall transfer  
20 to the system an amount equal to the difference.  
21 Notwithstanding the provisions of section 5504, the  
22 Administrative Office of Pennsylvania Courts shall pay as  
23 pick up contributions the difference between the amount  
24 credited to the member's account and the amount otherwise due  
25 under section 5504. Such additional contributions paid by the  
26 Administrative Office of Pennsylvania Courts shall not be  
27 considered compensation for the purposes of this part. If the  
28 amount transferred to the system by the member of a county or  
29 municipal pension plan or retirement system is greater than  
30 the amount that would have accumulated in the member's

1 account if the employee had been a member of the system, all  
2 excess funds shall be returned to the employee within 90 days  
3 of the date on which such funds are credited to the member's  
4 account in the system. Within 60 days of receipt of written  
5 notice that an employee has elected to transfer credits under  
6 the provisions of this subsection, the county or other  
7 municipal pension plans or retirement systems shall be  
8 required to transfer to the system an amount, excluding  
9 contributions due under section 5504(a), equal to the  
10 liability of the prior service in accordance with county or  
11 other municipal pension plan or retirement system benefit  
12 provisions, multiplied by the ratio of system actuarial value  
13 of assets for active members to the system actuarial accrued  
14 liability for active members. The Public Employee Retirement  
15 Study Commission shall determine the appropriate amount of  
16 employer contributions to be transferred to the system by the  
17 county or other municipal pension plans or retirement  
18 systems. Notwithstanding the provisions of section 5507  
19 (relating to contributions by the Commonwealth and other  
20 employers), if the amount of employer contributions specified  
21 to be transferred by the county or other municipal pension  
22 plan or retirement system is less than the employer funds  
23 which would have been transferred to the system if these  
24 employees had been members of the system, the Administrative  
25 Office of Pennsylvania Courts shall transfer to the system  
26 additional employer contributions in an amount equal to the  
27 difference.

28 (2) If the member died prior to the effective date of  
29 this subsection, the personal representative for the estate  
30 of the member may make any transfer or request that the

county or other municipal pension or retirement system make any transfer necessary to receive credit for the prior service authorized in paragraph (1). In order to receive credit for the prior service, the transfer must be made by December 31, 1987. If the member dies on or after the effective date of this subsection and before January 1, 1988, without making the transfer or requesting the transfer necessary to receive credit for the prior service authorized in paragraph (1), the personal representative for the estate of the member may make any transfer or request that the county or other municipal pension or retirement system make any transfer necessary to receive credit for the prior service. In order to receive credit for the prior service, the transfer must be made by March 31, 1988. If the member dies after December 31, 1987, without making the transfer or requesting the transfer necessary to receive credit for the prior service authorized in paragraph (1), neither the member or his estate shall receive credit for the prior service.

~~Section 2. The sum of \$140,000, or as much thereof as may be necessary, is hereby appropriated to the Administrative Office of Pennsylvania Courts from the General Fund for the fiscal year July 1, 1987, to June 30, 1988, for the purposes set forth in this amendatory act. Any funds unexpended, uncommitted and unencumbered as of June 30, 1988, shall lapse and shall be available for appropriation from the General Fund for future fiscal years.~~

~~Section 3-2.~~ This 3. SECTION 2 OF THIS act shall be retroactive to September 9, 1985.

~~Section 4-3~~ 4. This act shall take effect immediately.