

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 472

Session of
1973

INTRODUCED BY WOOD, COPPERSMITH AND DENGLER, MARCH 12, 1973

REFERRED TO FINANCE, MARCH 12, 1973

AN ACT

1 Amending the act of November 25, 1970 (No.230), entitled "An act
2 codifying and compiling a part of the law of the
3 Commonwealth," adding provisions relating to retirement for
4 State employees and officers and making repeals.

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

Section 1. Title 71, act of November 25, 1970 (No.230),
known as the "Consolidated Pennsylvania Statutes," is amended to
read:

TITLE 71

STATE GOVERNMENT

Part

1 XXV. Retirement for State Employees and Officers.

2 PART XXV

3 RETIREMENT FOR STATE EMPLOYEES AND OFFICERS

4 Chapter 51. Preliminary Provisions

5 CHAPTER 51

6 PRELIMINARY PROVISIONS

7 Sec.

8 5101. Short title.

9 5102. Definitions.

10 § 5101. Short title.

11 This act shall be known and may be cited as the "State
12 Employees' Retirement Code."

13 § 5102. Definitions.

14 The following words and phrases as used in this code, unless
15 a different meaning is plainly required by the context, shall
16 have the following meanings:

17 "Active member." A State employee who is contributing to the
18 fund or a member on leave without pay for whom authorized
19 contributions are being made to the fund.

20 "Actuarially equivalent." Equal present values, computed on
21 the basis of statutory interest and the mortality tables adopted
22 by the board.

23 "Actuary." The consultant to the board who shall be:

24 (1) a member of the American Academy of Actuaries; or

25 (2) an individual who has demonstrated to the
26 satisfaction of the Insurance Commissioner of Pennsylvania
27 that he has the educational background necessary for the
28 practice of actuarial science and has had at least seven
29 years of actuarial experience; or

30 (3) a firm, partnership, or corporation of which at

1 least one member meets the requirements of (1) or (2).

2 "Annuitant." Any member on or after the effective date of
3 retirement.

4 "Average noncovered salary." The average of the amounts of
5 compensation received each calendar year since January 1, 1956
6 exclusive of the amount which was or could have been covered by
7 the Federal Social Security Act, 42 U.S.C. §§ 301 et seq.,
8 during that portion of the member's service since January 1,
9 1956 for which he has received social security integration
10 credit.

11 "Basic contribution rate." 5%, except that in no case shall
12 any member be required to contribute, excluding contributions
13 for social security integration credit, at a rate greater than
14 his contribution rate on the effective date of this act so long
15 as he does not elect additional coverage or membership in
16 another class of service.

17 "Beneficiary." The person or persons last designated by a
18 member to receive his accumulated deductions or a lump sum
19 benefit upon the death of such member.

20 "Board." The State Employees' Retirement Board.

21 "Class of service multiplier."

22	Class of Service	Multiplier
23	A	1
24	B	.625
25	C	1
26	D	1.25
27	D-1	1.875
28	D-2	2.5
29	D-3	3.75
30	E, E-1	2 for each of the first ten

1 years of judicial service,
2 and
3 1.5 for each subsequent year of
4 judicial service

5 E-2 1.5
6 T-C (as defined in 1
7 the Public School
8 Employees'
9 Retirement Code)

10 "Compensation." Remuneration actually received as a State
11 employee excluding refunds for expenses, contingency and expense
12 allowances, and any severance payments for unused vacation or
13 sick leave, and subject to the limitations determined for
14 retirement purposes pursuant to the act of June 16, 1971
15 (P.L.157, No.8), unless otherwise provided by law.

16 "Concurrent service." Credited service in more than one
17 class of service during the same period of time.

18 "Creditable nonstate service." Service other than service as
19 a State employee for which an active member may obtain credit.

20 "Credited service." State or creditable nonstate service for
21 which the required contributions have been made or for which
22 salary deductions or lump sum payments have been agreed upon in
23 writing.

24 "Date of termination of service." The last day of service
25 for which an active member makes contributions, or in the case
26 of an inactive member on leave without pay the date of his
27 resignation or the date his employment is formally discontinued
28 by his employer.

29 "Effective date of retirement." The first day following the
30 date of termination of service of a member if he has properly

1 filed an application for an annuity within 90 days of such date;
2 in the case of a vestee or a member who does not apply for an
3 annuity within 90 days after termination of service, the date of
4 filing an application for an annuity or the date specified on
5 the application, whichever is later. In the case of a finding of
6 disability, the date certified by the board as the effective
7 date of disability.

8 "Eligibility points." Points which are accrued by an active
9 member for credited service and are used in the determination of
10 eligibility for benefits.

11 "Enforcement officer." Any enforcement officer or
12 investigator of the Pennsylvania Liquor Control Board who is a
13 peace officer vested with police power and authority throughout
14 the Commonwealth and any administrative or supervisory employee
15 of the Pennsylvania Liquor Control Board vested with police
16 power who is charged with the administration or enforcement of
17 the liquor laws of the Commonwealth.

18 "Final average salary." The highest average compensation
19 received as a member during any five nonoverlapping periods of
20 12 consecutive months or of 26 consecutive biweekly pay periods,
21 with the compensation for part-time service being annualized on
22 the basis of the fractional portion of the year for which credit
23 is received; except if the employee was not a member for five
24 nonoverlapping periods of 12 consecutive months or of 26
25 consecutive biweekly pay periods, the total compensation
26 received as a member, annualized in the case of part-time
27 service, divided by the number of nonoverlapping periods of 12
28 consecutive months or of 26 consecutive biweekly pay periods of
29 membership; except those officers of the Pennsylvania State
30 Police who, by binding arbitration pursuant to the provisions of

1 Article III Section 31 of the Constitution of the Commonwealth
2 of Pennsylvania and the act of June 24, 1968 (P.L.237), have
3 been awarded the right to have their pensions computed on the
4 basis of the provisions of paragraph 6 of the arbitration award
5 of December 28, 1971; and in the case of a member with multiple
6 service, the final average salary shall be determined on the
7 basis of the compensation received by him as a State employee or
8 as a school employee, or both.

9 "Full coverage member." Any member who has made or is making
10 regular member contributions, or has paid or has agreed to pay
11 to the fund the actuarial equivalent of regular member
12 contributions over the entire period of his credited service.

13 "Fund." The State Employees' Retirement Fund.

14 "Head of department." The chief administrative officer of
15 the department, the chairman or executive director of the
16 agency, authority, or independent board or commission, the Chief
17 Justice or the President Judge of a court, any justice of the
18 peace, and the Chief Clerk of the Senate, or the Chief Clerk of
19 the House of Representatives.

20 "Inactive member." A member who is not making member
21 contributions, including a member on leave without pay for whom
22 contributions are not authorized, but who has accumulated
23 deductions standing to his credit in the fund and who is not
24 eligible to become or has not elected to become a vestee or has
25 not filed an application for an annuity.

26 "Intervening military service." Active military service of a
27 member who was a State employee immediately preceding his
28 induction into the armed services or forces of the United States
29 in order to meet a military obligation excluding any voluntary
30 extension of such service and who becomes a State employee

1 within 90 days of the expiration of such service.

2 "Joint coverage member." Any member who agreed prior to
3 January 1, 1966 to make joint coverage member contributions to
4 the fund and has not elected to become a full coverage member.

5 "Joint coverage member contributions." Regular member
6 contributions reduced for a joint coverage member.

7 "Member." Active member, inactive member, annuitant, or
8 vestee.

9 "Member of the judiciary." Any justice of the Supreme Court,
10 any judge of the Superior Court, the Commonwealth Court, any
11 court of common pleas, the Municipal Court and the Traffic Court
12 of Philadelphia, or any community court.

13 "Member's annuity." The single life annuity which is
14 actuarially equivalent, at the effective date of retirement, to
15 the sum of the regular accumulated deductions and the social
16 security integration accumulated deductions standing to the
17 member's credit in the members' savings account.

18 "Military service." All active military service for which a
19 member has received a discharge other than an undesirable, bad
20 conduct, or dishonorable discharge.

21 "Multiple service." Credited service of a member who has
22 elected to combine his credited service in both the State
23 Employees' Retirement System and the Public School Employees'
24 Retirement System.

25 "Previous State service." Service rendered as a State
26 employee prior to his most recent entrance in the system.

27 "Public School Employees' Retirement System." The retirement
28 system established by the act of July 18, 1917, (No. 343), and
29 codified by the act of June 1, 1959 (No. 77).

30 "Regular accumulated deductions." The total of the regular

1 or joint coverage member contributions paid into the fund on
2 account of current service or previous State or creditable
3 nonstate service, together with the statutory interest credited
4 thereon until the date of termination of service. In the case of
5 a vestee, statutory interest shall be credited until the
6 effective date of retirement. A member's account shall not be
7 credited with statutory interest for more than two years during
8 a leave without pay.

9 "Regular member contributions." The product of the basic
10 contribution rate, the class of service multiplier if greater
11 than one and the compensation of the member.

12 "Retirement counselor." The State employee whose duty it
13 shall be to advise each employee of the department of his rights
14 and duties as a member of the system. Such employee shall be
15 designated by the head of each department with the approval of
16 the board.

17 "Salary deductions." The amounts certified by the board,
18 deducted from the compensation of an active member and paid into
19 the fund.

20 "School service." Service rendered as a public school
21 employee and credited as service in the Public School Employees'
22 Retirement System.

23 "Social security integration accumulated deductions." The
24 total of the additional member contributions paid into the fund
25 on account of social security integration credit, together with
26 the statutory interest credited thereon until the date of
27 termination of service. In the case of a vestee statutory
28 interest shall be credited until the effective date of
29 retirement. A member's account shall not be credited with
30 statutory interest for more than two years during a leave

1 without pay.

2 "Standard single life annuity." An annuity equal to 2% of
3 the final average salary, multiplied by the total number of
4 years and fractional part of a year of credited service of a
5 member.

6 "State employee." Any person holding a State office or
7 position under the Commonwealth, employed by the State
8 Government of the Commonwealth, in any capacity whatsoever,
9 except an independent contractor or any person compensated on a
10 fee basis, and shall include members of the General Assembly,
11 and any officer or employee of the following:

12 (1) the Department of Education, State-owned educational
13 institutions, community colleges, and The Pennsylvania State
14 University, except an employee paid wholly from Federal
15 funds;

16 (2) the Pennsylvania Turnpike Commission, the Delaware
17 River Port Authority, the Port Authority Transit Corporation,
18 the Delaware River Joint Toll Bridge Commission, the State
19 Public School Building Authority, The General State
20 Authority, the State Highway and Bridge Authority, the
21 Delaware Valley Regional Planning Commission, and the
22 Interstate Commission of the Delaware River Basin, provided
23 the commission or authority agrees to contribute and does
24 contribute to the fund, from time to time, the moneys
25 required to build up the reserves necessary for the payment
26 of the annuities of such officers and employees without any
27 liability on the part of the Commonwealth to make
28 appropriations for such purposes, and provided in the case of
29 employees of the Interstate Commission of the Delaware River
30 Basin, that the employee shall have been a member of the

1 system for at least ten years prior to January 1, 1963;

2 (3) any separate independent public corporation created
3 by statute, not including any municipal or quasi-municipal
4 corporation, so long as he remains an officer or employee of
5 such public corporation, and provided that such officer or
6 employee of such public corporation was an employee of the
7 Commonwealth immediately prior to his employment by such
8 corporation, and further provided such public corporation
9 shall agree to contribute and contributes to the fund, from
10 time to time, the moneys required to build up the reserves
11 necessary for the payment of the annuities of such officers
12 and employees without any liability on the part of the
13 Commonwealth to make appropriations for such purposes; or

14 (4) any single county department of health or any joint
15 county department of health created under the "Local Health
16 Administration Law," act of August 24, 1951 (No. 315).

17 "State service." Service rendered as a State employee.

18 "Statutory interest." Interest at 4% per annum, compounded
19 annually.

20 "Superannuation age." Age 60, except for a member of the
21 General Assembly or of Class C, age 50.

22 "Superannuation annuitant." An annuitant whose annuity
23 becomes payable on or after the attainment of superannuation
24 age.

25 "Survivor annuitant." The person or persons last designated
26 by a member under a joint and survivor annuity option to receive
27 an annuity upon the death of such member.

28 "System." The State Employees' Retirement System of
29 Pennsylvania as established by the act of June 27, 1923 (No.
30 331), and codified by the act of June 1, 1959 (No. 78).

(a) Membership in the system shall be mandatory as of the effective date of employment for all State employees except the following:

- (1) Governor.
- (2) Lieutenant Governor.
- (3) Members of the General Assembly.
- (4) Heads or deputy heads of administrative departments.
- (5) Members of any independent administrative board or commission.
- (6) Members of any departmental board or commission.
- (7) Members of any advisory board or commission.
- (8) Secretary to the Governor.
- (9) Budget Secretary.
- (10) Legislative employees.
- (11) School employees who have elected membership in the Public School Employees' Retirement System.
- (12) School employees who have elected membership in an approved independent retirement program, provided that in no case shall the employer contribute on account of such elected membership at a rate greater than the employer normal contribution rate as determined in section 5508(b) of this title.
- (13) Persons who have elected to retain membership in the retirement system of the political subdivision by which they were employed prior to becoming eligible for membership in the State Employees' Retirement System.
- (14) Persons employed on a per diem or hourly basis for less than 100 days or 750 hours in a 12-month period.

(b) The State employees listed in paragraphs (a)(1) through (11) of this section shall have the right to elect membership in

1 the system; once such election is exercised, membership shall
2 continue until the termination of State service.

3 (c) The State employees listed in paragraphs (a)(12), (13)
4 and (14) of this section shall not have the right to elect
5 membership in the system.

6 § 5302. Credited State service.

7 (a) In computing credited State service of a member for the
8 determination of benefits, a full-time salaried State employee
9 including any member of the General Assembly, shall receive
10 credit for service in each period for which he makes
11 contributions as required but in no case shall he receive more
12 than one year's credit for any 12 consecutive months or 26
13 consecutive biweekly pay periods. A per diem or hourly State
14 employee shall receive one year of credited service for each
15 nonoverlapping period of 12 consecutive months or 26 consecutive
16 biweekly pay periods in which he is employed and for which he
17 contributes for at least 220 days or 1,650 hours of employment.
18 If the member was employed and contributed for less than 220
19 days or 1,650 hours, he shall be credited with a fractional
20 portion of a year determined by the ratio of the number of days
21 or hours of service actually rendered to 220 days or 1,650
22 hours, as the case may be. A part-time salaried employee shall
23 be credited with the fractional portion of the year which
24 corresponds to the number of hours or days of service actually
25 rendered in relation to 1,650 hours or 220 days, as the case may
26 be. In no case shall a member who has elected multiple service
27 receive an aggregate in the two systems of more than one year of
28 credited service for any 12 consecutive months.

29 (b) A member on leave without pay who is studying under a
30 Federal grant approved by the head of his department or who is

1 engaged up to a maximum of two years of temporary service with
2 the United States Government, another state or a local
3 government under the Intergovernmental Personnel Act of 1970, 5
4 U.S.C. §§ 1304, 3371-3376; 42 U.S.C. §§ 4701-4772, shall be
5 eligible for credit for such service provided that contributions
6 are made in accordance with section 5501 of this title (relating
7 to regular member contributions for current service) and section
8 5507 of this title (relating to contributions by the
9 Commonwealth and other employers), the member returns from leave
10 without pay to active State service for a period of at least one
11 year, and he is not entitled to retirement benefits for such
12 service under the retirement system administered by such other
13 governmental agency.

14 (c) All credited service shall be cancelled if a member
15 withdraws his total accumulated deductions.

16 § 5303. Retention and reinstatement of service credits.

17 (a) Eligibility points shall be computed in accordance with
18 section 5307 of this title (relating to eligibility points) with
19 respect to all credited service accrued as of the effective date
20 of this act.

21 (b) Every active member of the system or a multiple service
22 member who is a school employee and a member of the Public
23 School Employees' Retirement System on or after the effective
24 date of this act shall receive eligibility points in accordance
25 with section 5307 of this title (relating to eligibility points)
26 for current State service, previous State service, or creditable
27 nonstate service upon compliance with section 5501 of this title
28 (relating to regular member contributions for current service),
29 section 5504 of this title (relating to member contributions for
30 the purchase of credit for previous State service or to become a

1 full coverage member), section 5505 of this title (relating to
2 contributions for the purchase of credit for creditable nonstate
3 service) or section 5506 of this title (relating to incomplete
4 payments). The class or classes of service in which the member
5 may be credited for previous State service prior to the
6 effective date of this act shall be the class or classes in
7 which he was or could have at any time elected to be credited
8 for such service. The class of service in which a member shall
9 be credited for service subsequent to the effective date of this
10 act shall be determined in accordance with section 5306 of this
11 title (relating to classes of service).

12 § 5304. Creditable nonstate service.

13 (a) An active member or a multiple service member who is a
14 school employee and a member of the Public School Employees'
15 Retirement System shall be eligible for Class A service credit
16 for creditable nonstate service as set forth in subsections (b)
17 and (c) of this section except that intervening military service
18 shall be credited in the class of service for which the member
19 was eligible at the time of entering into military service and
20 for which he makes the required contributions.

21 (b) An active member or a multiple service member who is a
22 school employee and a member of the Public School Employees'
23 Retirement System shall be eligible to receive credit for
24 nonstate service provided that he does not have credit for such
25 service in the school system and is not entitled to retirement
26 benefits for such service under the retirement system
27 administered by such other governmental agency, and that such
28 service is certified by the previous employer and contributions
29 are agreed upon and made in accordance with section 5505 of this
30 title (relating to contributions for the purchase of credit for

1 creditable nonstate service).

2 (c) Creditable nonstate service credit shall be limited to:

3 (1) intervening military service;

4 (2) other military service not exceeding five years,
5 provided that the member has five years of credited State
6 service subsequent to such military service;

7 (3) service as an administrator, teacher, or instructor
8 in the field of education for any agency or department of the
9 government of the United States, not exceeding the lesser of
10 ten years or the number of years of active membership in the
11 system, as an officer or employee of the Department of
12 Education or as an administrator, teacher, or instructor
13 employed in any State-owned educational institution or The
14 Pennsylvania State University; or

15 (4) Previous service with a governmental agency other
16 than the Commonwealth which employment with said agency was
17 terminated because of the transfer of the administration of
18 such service or of the entire agency to the Commonwealth.

19 § 5305. Social security integration credits.

20 (a) Any member shall be credited with the social security
21 integration credits which he has accrued up to the effective
22 date of this act, and shall accrue after the effective date of
23 this act one social security integration credit for each year of
24 service and a fractional credit for a corresponding fractional
25 year of service for which he makes appropriate contributions in
26 accordance with section 5502 of this title (relating to social
27 security integration member contributions).

28 (b) Any active member who, during previous State service,
29 had elected to receive credit for social security integration
30 shall, upon return to State service and election to purchase

1 credit for his total previous State service, reinstate his
2 social security integration credits as they were at the
3 termination of his previous service in accordance with section
4 5504 of this title (relating to member contributions for the
5 purchase of credit for previous State service or to become a
6 full coverage member).

7 § 5306. Classes of service.

8 (a) A State employee who is a member of the system on the
9 effective date of this act shall retain his membership in that
10 class of service for which his service is being credited on that
11 date until he elects to become or becomes a member in some other
12 class of service as provided in this section.

13 (b) A State employee who is or becomes a member of the
14 system subsequent to the effective date of this act shall be
15 classified as a Class A member and receive credit for Class A
16 service upon payment of regular member contributions for Class A
17 service, except:

18 (1) an officer or employe of the Pennsylvania State
19 Police having police power or an enforcement officer of the
20 Pennsylvania Liquor Control Board, shall be credited with
21 Class C membership for such service upon payment of regular
22 member contributions for Class C service;

23 (2) a member of the General Assembly who elects to have
24 such service credited as Class D-3 service shall be so
25 credited upon payment of regular member contributions for
26 Class D-3 service;

27 (3) a member of the judiciary who elects to have such
28 service credited as Class E-1 service shall be so credited
29 upon payment of regular member contributions for Class E-1
30 service;

1 (4) a justice of the peace of a district court who
2 elects to have such service credited as Class E-2 service
3 shall be so credited upon payment of regular member
4 contributions for Class E-2 service; and

5 (5) a member of the system on the effective date of this
6 act who retains his membership in that class of service for
7 which his service is being credited on that date so long as
8 he remains eligible and contributes for such class of
9 service.

10 § 5307. Eligibility points.

11 An active member of the system shall accrue one eligibility
12 point for each year of credited service as a Class A, Class B,
13 Class C, Class D, Class D-1, Class D-2, Class E, Class E-1,
14 Class E-2, Class T-A, Class T-B or Class T-C member. For each
15 year of Class D-3 credited service, a member shall accrue one
16 and two-thirds eligibility points. In the case of a fractional
17 part of a year of credited service, a member shall accrue the
18 corresponding fractional portion of eligibility points to which
19 the class of service entitles him.

20 § 5308. Eligibility for annuities.

21 (a) Attainment of superannuation age by an active member or
22 an inactive member on leave without pay shall entitle him to
23 receive a superannuation annuity upon termination of State
24 service and compliance with section 5907(g) of this title
25 (relating to rights and duties of State employees and members as
26 to applications).

27 (b) Any vestee or any active member or inactive member on
28 leave without pay who terminates State service having ten or
29 more eligibility points, upon compliance with section 5907(g) or
30 (h) of this title (relating to rights and duties of State

1 employees and members as to applications), shall be entitled to
2 receive an annuity.

3 (c) An active member or inactive member on leave without pay
4 who has credit for at least five years of service or any active
5 member or inactive member on leave without pay of Class C shall,
6 upon compliance with section 5907(1) of this title (relating to
7 rights and duties of State employees and members as to
8 applications), be entitled to a disability annuity if he becomes
9 mentally or physically incapable of continuing to perform the
10 duties for which he is employed and qualifies in accordance with
11 the provisions of section 5905(c)(1) of this title (relating to
12 duties of the board as to medical examinations).

13 § 5309. Eligibility for vesting.

14 Any member who terminates State service with ten or more
15 eligibility points shall be eligible until attainment of
16 superannuation age to vest his retirement benefits.

17 § 5310. Eligibility for death benefits.

18 In the event of the death of a member who is eligible for an
19 annuity in accordance with section 5308(a) or (b) of this title
20 (relating to eligibility for certain annuities), his beneficiary
21 shall be entitled to a death benefit.

22 § 5311. Eligibility for refunds.

23 Any active member, regardless of eligibility for benefits,
24 may elect to receive his total accumulated deductions upon
25 termination of service in lieu of any benefit to which he is
26 entitled.

27 CHAPTER 55

28 CONTRIBUTIONS

29 Sec.

30 5501. Regular member contributions for current service.

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4 previous State service or to become a full coverage
5 member.
6 5505. Contributions for the purchase of credit for creditable
7 nonstate service.
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10 5508. Actuarial cost method.

11 5509. Appropriations and assessments by the Commonwealth.

12 § 5501. Regular member contributions for current service.

13 Every active member shall make regular member contributions
14 to the fund for current service by salary deductions or some
15 other agreed upon method.

16 § 5502. Social security integration member contributions.

17 A member of any class who has elected social security
18 integration coverage under the provisions of section 5907(c) of
19 this title (relating to certain rights and duties of State
20 employees and members) shall contribute 5% of that portion of
21 his compensation in excess of the maximum wages taxable under
22 the provisions of the Federal Social Security Act, 42 U.S.C. §§
23 301 et seq., in addition to the regular member contributions
24 which, after such election, shall be determined on the basis of
25 the basic contribution rate of 5%.

26 § 5503. Joint coverage member contributions.

27 The regular member contributions for current service of a
28 joint coverage member in any class shall be reduced by 40% of
29 the tax on taxable wages prescribed by the Federal Insurance
30 Contributions Act, 26 U.S.C. §§ 3101-3125, exclusive of that

1 portion of such tax attributable to coverage for disability and
2 medical benefits.

3 § 5504. Member contributions for the purchase of credit for
4 previous State service or to become a full coverage
5 member.

6 (a) The contributions to be paid by an active member or
7 eligible school employee for credit for total previous State
8 service or to become a full coverage member shall be sufficient
9 to provide an amount equal to the regular accumulated deductions
10 which would have been standing to the credit of the member for
11 such service had he made regular member contributions with full
12 coverage in the class of service and at the rate of contribution
13 applicable during such period of previous service and had his
14 regular accumulated deductions been credited with statutory
15 interest during all periods of subsequent State or school
16 service up to the date of purchase.

17 (b) Upon election to purchase credit for total previous
18 State service, additional contributions shall be paid by an
19 active member or eligible school employee for reinstatement of
20 creditable previous social security integration credit
21 sufficient to provide an amount equal to the social security
22 integration accumulated deductions which had been standing to
23 his credit at the termination of his service and credited with
24 statutory interest during all periods of subsequent State
25 service up to the date of purchase.

26 (c) The amount payable shall be certified in each case by
27 the board in accordance with methods approved by the actuary and
28 shall be paid in a lump sum within 30 days or in the case of an
29 active member may be amortized with statutory interest through
30 salary deductions in amounts agreed upon by the member and the

1 board.

2 § 5505. Contributions for the purchase of credit for
3 creditable nonstate service.

4 (a) The total contributions to purchase credit for
5 creditable nonstate service of an active member or eligible
6 school employee shall be paid either by the member, the member's
7 previous employer, or by some agreed upon combination of the
8 member, his previous employer, and, if specifically provided,
9 the Commonwealth.

10 (b) The amount due for the purchase of credit for military
11 service other than intervening military service shall be
12 determined by applying the member's basic contribution rate plus
13 the Commonwealth normal contribution rate for active members at
14 the time of entry, subsequent to such military service, of the
15 member into State service to his average annual rate of
16 compensation over the first five years of such subsequent State
17 service and multiplying the result by the number of years and
18 fractional part of a year of creditable nonintervening military
19 service being purchased together with statutory interest from
20 the date of entry into State service to date of purchase. Upon
21 application for credit for such service, payment shall be made
22 in a lump sum within 30 days or in the case of an active member
23 it may be amortized with statutory interest through salary
24 deductions in amounts agreed upon by the member and the board.
25 Application may be filed for all such military service credit
26 upon completion of five years of subsequent State service and
27 shall be credited as Class A service.

28 (c) Contributions on account of credit for intervening
29 military service shall be determined by the member's
30 contribution rate and compensation at the time of entry of the

1 member into active military service, together with statutory
2 interest from date of return to State service to date of
3 purchase. Upon application for such credit the amount due shall
4 be certified in the case of each member by the board in
5 accordance with methods approved by the actuary, and
6 contributions may be made by:

7 (1) regular monthly payments during active military
8 service; or

9 (2) a lump sum payment within 30 days of certification;
10 or

11 (3) salary deductions in amounts agreed upon by the
12 member and the board.

13 (d) Contributions on account of credit for creditable
14 nonstate service other than military and magisterial service
15 shall be determined by applying the member's basic contribution
16 rate plus the Commonwealth normal contribution rate for active
17 members at the time of entry subsequent to such creditable
18 nonstate service of the member into State service to his
19 compensation at the time of entry into State service and
20 multiplying the result by the number of years and fractional
21 part of a year of creditable nonstate service being purchased
22 together with statutory interest from the date of entry into
23 State service to the date of purchase. Upon application for
24 credit for such service payment shall be made in a lump sum
25 within 30 days or in the case of an active member it may be
26 amortized with statutory interest through salary deductions in
27 amounts agreed upon by the member and the board.

28 (e) Contributions on account of credit for service as a
29 magistrate of the City of Philadelphia shall be determined by
30 the board to be equal to the amount he would have paid as

1 employee contributions together with statutory interest to date
2 of purchase had he been a State employee during his period of
3 service as a magistrate of the City of Philadelphia. The amount
4 so determined by the State Employees' Retirement Board to be paid
5 into the State Employees' Retirement System shall be the
6 obligation of the judge who requested credit for previous
7 service as a magistrate of the City of Philadelphia; in no event
8 shall such amount be an obligation of the City of Philadelphia
9 or the City of Philadelphia retirement system.

10 § 5506. Incomplete payments.

11 In the event that a member terminates State service before
12 the agreed upon payments for credit for previous State service,
13 creditable nonstate service, social security integration, or
14 full coverage membership have been completed, or before any
15 other amount due the fund has been paid, the member shall have
16 the right to pay within 30 days of termination of State service
17 the balance due, including interest, in a lump sum and the
18 annuity shall be calculated including full credit for the
19 previous State service, creditable nonstate service, social
20 security integration, or full coverage membership. A disability
21 annuitant who does not return to State service shall have the
22 right to pay such amount within 30 days of termination of his
23 disability annuity. In the event a member does not pay the
24 balance due within 30 days of termination of State service or
25 termination of disability payments or in the event a member dies
26 in State service or within 30 days of termination of State
27 service or termination of disability payments and before the
28 agreed upon payments have been completed, the present value of
29 the benefit otherwise payable shall be reduced by the balance
30 due, including interest, and the benefit payable shall be

1 calculated as the actuarial equivalent of such reduced present
2 value.

3 § 5507. Contributions by the Commonwealth and other employers.

4 (a) The Commonwealth and other employers whose employees are
5 members of the system shall make contributions to the fund on
6 behalf of all active members in such amounts as shall be
7 certified by the board as necessary to provide, together with
8 the members' total accumulated deductions, annuity reserves on
9 account of prospective annuities other than those provided in
10 section 5708 of this title (relating to supplemental annuities),
11 in accordance with the actuarial cost method provided in section
12 5508(a),(b),(c) and (d) of this title (relating to actuarial
13 cost method).

14 (b) The Commonwealth shall make contributions on behalf of
15 all superannuation and disability annuitants in such amounts as
16 shall be certified by the board as necessary to fund the
17 liabilities for supplemental annuities in accordance with the
18 actuarial cost method provided in section 5508(e) of this title
19 (relating to actuarial cost method).

20 § 5508. Actuarial cost method.

21 (a) The amount of the Commonwealth and other employer
22 contributions on behalf of all active members shall be computed
23 by the actuary as a percentage of the total compensation of all
24 active members during the period for which the amount is
25 determined and shall be so certified by the board. The total
26 employer contribution rate on behalf of all active members shall
27 consist of the employer normal contribution rate and the accrued
28 liability contribution rate.

29 (b) The employer normal contribution rate shall be
30 determined after each actuarial valuation on the basis of an

1 annual 5% interest rate and such mortality and other tables as
2 shall be adopted by the board. Until all accrued liability
3 contributions have been completed, the employer normal
4 contribution rate shall be determined as a level percentage of
5 the compensation of the average new active member, which
6 percentage, if contributed on the basis of his prospective
7 compensation through his entire period of active State service,
8 would be sufficient to fund the liability for any prospective
9 benefit payable to him, except a supplemental benefit as
10 provided in section 5708 of this title (relating to supplemental
11 annuities), in excess of that portion funded by his prospective
12 member contributions. After all accrued liability contributions
13 have been completed, the employer normal contribution rate shall
14 be determined by deducting from the present value of the
15 liabilities for all prospective benefits, except supplemental
16 benefits as provided in section 5708 of this title (relating to
17 supplemental annuities), the sum of the total assets in the fund
18 on the valuation date, excluding the balance in the supplemental
19 annuity account, and the present value of prospective member
20 contributions, and dividing the remainder by the present value
21 of the future compensation of all active members.

22 (c) For the fiscal year beginning July 1, 1969, the accrued
23 liability contribution rate shall be computed as the rate of
24 total compensation of all active members which shall be
25 certified by the actuary as sufficient to fund over a period of
26 30 years from such date the present value of the liabilities for
27 all prospective benefits, except supplemental benefits as
28 provided in section 5708 of this title (relating to supplemental
29 annuities), in excess of the total assets in the fund, excluding
30 the balance in the supplemental annuity account, and the present

1 value of employer normal contributions and of member
2 contributions payable with respect to all active members on such
3 date during the remainder of their active service, assuming that
4 the total compensation of all active members will increase at
5 the annual rate of 4% compounded annually. Thereafter, the
6 amount of each annual accrued liability contribution shall be at
7 least 4% greater than the amount of such contribution for the
8 previous fiscal year, except that, if the accrued liability is
9 increased by legislation enacted subsequent to July 1, 1969,
10 such additional liability shall be funded over a period of 30
11 years from the July 1, coincident with or next following the
12 effective date of the increase assuming that the total
13 compensation of all active members will increase at the annual
14 rate of 4% compounded annually. The accrued liability
15 contributions under this section shall be discontinued as soon
16 as the total assets in the fund, excluding the balance in the
17 supplemental annuity account, equals the present value of the
18 liability for all prospective benefits, except the supplemental
19 benefits as provided in section 5708 of this title (relating to
20 supplemental annuities), less the present value of the
21 prospective employer normal contributions and of member
22 contributions payable with respect to all active members on such
23 date during the remainder of their active service.

24 (d) In calculating the contributions required by subsections
25 (a), (b) and (c) of this section, the active members of Class C
26 shall be considered to be members of Class A. In addition, the
27 actuary shall determine the Commonwealth or other employer
28 contributions required for active members of Class C to finance
29 their benefits in excess of those to which they would have been
30 entitled as members of Class A. Such additional contributions

1 for members of Class C shall be determined separately for
2 officers and employees of the Pennsylvania State Police and for
3 enforcement officers and investigators of the Pennsylvania
4 Liquor Control Board. Such contributions payable on behalf of
5 officers and employees of the Pennsylvania State Police shall
6 include the amounts received by the system under the provisions
7 of the act of May 12, 1943 (No. 120), and on behalf of
8 enforcement officers or investigators of the Pennsylvania Liquor
9 Control Board, the amounts received by the system under the
10 provisions of the "Liquor Code," act of April 12, 1951 (No. 21).

11 (e) Contributions from the Commonwealth required to provide
12 for the payment of supplemental annuities to disability and
13 superannuation annuitants as provided in section 5708 of this
14 title (relating to supplemental annuities) shall be determined
15 as a percentage of the total compensation of all active members
16 during the period for which the amount is certified as
17 sufficient to fund the liabilities of the supplemental annuity
18 account as of July 1, 1969, as a level percentage over a period
19 of 20 years from such date. In the event that supplemental
20 annuities are increased by legislation enacted subsequent to
21 July 1, 1969, the additional liability for the increase in
22 benefits shall be funded as a level percentage over a period of
23 20 years from the July 1, coincident with or next following the
24 effective date of such legislation.

25 § 5509. Appropriations and assessments by the Commonwealth.

26 (a) The board shall prepare and submit annually an itemized
27 budget consisting of the amounts necessary to be appropriated by
28 the Commonwealth out of the General Fund and special operating
29 funds and the amounts to be assessed the other employers
30 required to meet the obligations accruing during the fiscal

1 period beginning July 1 of the following year.

2 (b) The General Assembly shall make an appropriation
3 sufficient to provide for the obligations of the Commonwealth.
4 Such amount shall be paid by the State Treasurer through the
5 Department of Revenue into the fund in accordance with
6 requisitions presented by the board. The contributions by the
7 Commonwealth on behalf of active members of Class C who are
8 officers and employees of the Pennsylvania State Police shall be
9 charged to the General Fund and to the Motor License Fund in the
10 same ratios as used to apportion the appropriations for salaries
11 of members of the Pennsylvania State Police. The contributions
12 by the Commonwealth on behalf of active members of Class C who
13 are enforcement officers and investigators of the Pennsylvania
14 Liquor Control Board shall be charged to the General Fund and to
15 the State Stores Fund.

16 (c) The amounts assessed other employers who are required to
17 make the necessary contributions out of funds other than the
18 General Fund shall be paid by such employers into the fund in
19 accordance with requisitions presented by the board. The General
20 Fund of the Commonwealth shall not be held liable to appropriate
21 the moneys required to build up the reserves necessary for the
22 payment of benefits to employees of such other employers. In
23 case any such other employer shall fail to provide the moneys
24 necessary for such purpose, then the service of such members for
25 such period for which money is not so provided shall be credited
26 and payroll deductions shall continue from such members to be
27 credited to the members' savings account. The annuity to which
28 such member is entitled shall be determined as actuarially
29 equivalent to the present value of the maximum single life
30 annuity of each such member reduced by the amount of employer

1 contributions payable on account and attributable to his
2 compensation during such service.

3 CHAPTER 57

4 BENEFITS

5 Sec.

6 5701. Return of total accumulated deductions.

7 5702. Maximum single life annuity.

8 5703. Reduction of annuities on account of social security
9 old-age insurance benefits.

10 5704. Disability annuities.

11 5705. Member's options.

12 5706. Termination of annuities.

13 5707. Death benefits.

14 5708. Supplemental annuities.

15 5709. Payment of benefits.

16 5710. Payments under other laws.

17 § 5701. Return of total accumulated deductions.

18 Any member upon termination of service may, in lieu of all
19 benefits payable under this chapter to which he may be entitled,
20 elect to receive his total accumulated deductions.

21 § 5702. Maximum single life annuity.

22 (a) Any full coverage member who is eligible to receive an
23 annuity pursuant to the provisions of section 5308(a) or (b) of
24 this title (relating to eligibility for certain annuities) shall
25 be entitled to receive a maximum single life annuity equal to
26 the sum of the following single life annuities beginning at the
27 effective date of retirement:

28 (1) A standard single life annuity multiplied by the sum
29 of the products, determined separately for each class of
30 service, obtained by multiplying the appropriate class of

1 service multiplier by the ratio of years of service credited
2 in that class to the total credited service. In case the
3 member on the effective date of retirement is under
4 superannuation age for any service, a reduction factor
5 calculated to provide benefits actuarially equivalent to an
6 annuity starting at superannuation age shall be applied to
7 the product determined for that service. For any period of
8 concurrent service the class of service multipliers shall be
9 prorated by the proportionate compensation in each class
10 during the total period of concurrent service.

11 (2) If eligible, a single life annuity of 2% of his
12 average noncovered salary for each year of social security
13 integration credit as provided for in section 5305 of this
14 title (relating to social security integration credits)
15 multiplied, if on the effective date of retirement the member
16 is under superannuation age for any service, by the
17 actuarially determined reduction factor for that service.

18 (3) If eligible, a single life annuity which is
19 actuarially equivalent to the regular accumulated deductions
20 attributable to contributions as a member of Class C, but not
21 less than such annuity determined as if the member were age
22 60 on the effective date of retirement, actuarially reduced
23 in the event the member is under superannuation age on the
24 effective date of retirement.

25 (4) If eligible, a single life annuity which is
26 actuarially equivalent to the amount by which his regular
27 accumulated deductions attributable to any credited service
28 other than as a member of Class C are greater than one-half
29 of the actuarially equivalent value on the effective date of
30 retirement of the annuity as provided in paragraph(a)(1) of

1 this section attributable to service other than Class C for
2 which regular or joint coverage member contributions were
3 made.

4 (5) If eligible, a single life annuity which is
5 actuarially equivalent to the amount by which his social
6 security integration accumulated deductions are greater than
7 one-half of the actuarially equivalent value on the effective
8 date of retirement of the annuity provided for under
9 paragraph(a)(2) of this section.

10 (6) If eligible, a single life annuity sufficient
11 together with the annuity provided for in paragraph(a)(1) of
12 this section as a Class A member and the highest annuity
13 provided for in paragraph(a)(2) of this section to which he
14 is entitled, or at his option could have been entitled, to
15 produce that percentage of a standard single life annuity on
16 the effective date of retirement as determined by his total
17 years of credited service as a member of Class A and by the
18 following table:

Total Years of Credited Service as a Member of Class A	Percentage of Standard Single Life Annuity
35-40	100%
41	102
42	104
43	106
44	108
45 or more	110

29 (b) The present value of the maximum single life annuity as
30 calculated in accordance with subsection(a) of this section

1 shall be determined by multiplying the maximum single life
2 annuity by the cost of a dollar annuity on the effective date of
3 retirement. Such present value shall be decreased only as
4 required under the provisions of section 5506 of this title
5 (relating to incomplete payments), section 5509(c) of this title
6 (relating to appropriations and assessments by the Commonwealth
7 as to payments due from other employers), section 5703 of this
8 title (relating to reduction of annuities on account of social
9 security old-age insurance benefits) or, section 5706(b)
10 (relating to termination of annuities).

11 (c) That portion of any annuity paid to a member on account
12 of Class D-3 service under paragraph(a)(1) of this section and
13 reduced in accordance with the option elected under section 5705
14 of this title (relating to member's options) shall not exceed
15 \$12,000 except in the case of a member who has served as a
16 constitutional officer of the General Assembly.

17 § 5703. Reduction of annuities on account of social security
18 old-age insurance benefits.

19 (a) A joint coverage member who is eligible to receive an
20 annuity under section 5308(a) or (b) of this title (relating to
21 eligibility for annuities) shall be entitled to receive the
22 annuity provided for in section 5702 of this title (relating to
23 maximum single life annuity) which shall be reduced at the time
24 at which the member would be entitled to receive full social
25 security old-age insurance benefits whether or not he has
26 applied for such benefits. The reduction shall be an amount
27 equal to 40% of the primary insurance amount paid or payable to
28 him and subject to the following provisions:

29 (1) The eligibility of such member for the old-age
30 insurance benefit and the amount of such benefit upon which

1 the reduction in his annuity shall be based shall be
2 determined by the board in accordance with the provisions of
3 the Federal Social Security Act, 42 U.S.C. §§ 301 et seq., in
4 effect on the effective date of retirement, except that in
5 determining such eligibility and such amount only wages or
6 compensation for services covered by the system shall be
7 included.

8 (2) The reduction shall not be more than one-half of the
9 standard single life annuity multiplied by the ratio of the
10 sum of the five years of highest taxable wages to an amount
11 equal to five times the final average salary and by the ratio
12 of the years of credited service after December 31, 1955 to
13 total years of credited service.

14 (3) Whenever the amount of the reduction from the
15 annuity shall have been once determined, it shall remain
16 fixed for the duration of the annuity except that any
17 decrease in the old-age insurance benefit under the Federal
18 Social Security Act, 42 U.S.C. §§301 et seq., shall result in
19 a corresponding decrease in the amount of the reduction from
20 the annuity.

21 (b) The reduction provided for in subsection (a) of this
22 section shall not apply to annuities payable under the
23 provisions of section 5704(a) of this title (relating to
24 disability annuities).

25 § 5704. Disability annuities.

26 (a) A member who has made application for a disability
27 annuity and has been found to be eligible in accordance with the
28 provisions of section 5905(c)(1) of this title (relating to
29 duties of the board as to medical examinations) shall receive a
30 disability annuity payable from the effective date of disability

1 as determined by the board and continued until a subsequent
2 determination by the board that the annuitant is no longer
3 entitled to a disability annuity. The disability annuity shall
4 be equal to a standard single life annuity multiplied by the
5 class of service multiplier if the product of the class of
6 service multiplier and the total number of years of credited
7 service is greater than 16.667, otherwise the standard single
8 life annuity shall be multiplied by the lesser of the following
9 ratios:

10
$$MY^*/Y \text{ or } 16.667/Y$$

11 where Y = number of years of credited service, Y* = total years
12 of credited service if the member were to continue as a State
13 employee until attaining superannuation age, and M = the class
14 of service multiplier. A member of Class C shall receive, in
15 addition, any annuity to which he may be eligible under section
16 5702(a)(3) of this title (relating to a certain single life
17 annuity).

18 (b) If the member has been found to be eligible for a
19 disability annuity and has social security integration credits
20 as provided in section 5305 of this title (relating to social
21 security integration credits), he may elect to withdraw his
22 social security integration accumulated deductions or if he has
23 ten or more eligibility points to his credit and does not
24 withdraw his social security integration accumulated deductions
25 he may execute an application to be filed with the board to
26 receive, in addition to his disability annuity, an annuity
27 calculated in accordance with section 5702(a)(2) of this title
28 (relating to a certain single life annuity).

29 (c) Payments on account of disability shall be reduced by
30 that amount by which the earned income of the annuitant, as

1 reported in accordance with section 5908(b) of this title
2 (relating to certain rights and duties of annuitants) for the
3 preceding calendar quarter together with the disability annuity
4 payments, excluding payments under subsection (b) of this
5 section, for the quarter, exceeds the greater of \$1,250 or one-
6 quarter of the last year's salary of the annuitant as a State
7 employee, provided that the annuitant shall not receive less
8 than the amount to which he may be entitled under section 5702
9 of this title (relating to maximum single life annuity).

10 (d) Payment of that portion of the disability annuity in
11 excess of the annuity to which the annuitant was entitled at the
12 effective date of disability calculated in accordance with
13 section 5702 of this title (relating to maximum single life
14 annuity) shall cease if the annuitant is no longer eligible
15 under the provisions of section 5905(c)(2) of this title
16 (relating to duties of the board as to the results of certain
17 medical examinations) or section 5908(b) or (c) of this title
18 (relating to certain rights and duties of annuitants).

19 (e) Upon termination of disability annuity payments in
20 excess of an annuity calculated in accordance with section 5702
21 of this title (relating to maximum single life annuity), a
22 disability annuitant who does not return to State service may
23 file an application with the board for an amount equal to the
24 excess, if any, of the regular accumulated deductions standing
25 to his credit at the effective date of disability over one-third
26 of the total disability annuity payments received. If the
27 annuitant on the date of termination of service was eligible for
28 an annuity as provided in section 5308(b) of this title
29 (relating to certain eligibility for annuities), he may file an
30 application with the board for an election of an optional

1 modification of his annuity.

2 § 5705. Member's options.

3 (a) Any vestee having ten or more eligibility points or any
4 other eligible member upon termination of State service who has
5 not withdrawn his total accumulated deductions as provided in
6 section 5701 of this title (relating to return of total
7 accumulated deductions) may apply for and elect to receive
8 either a maximum single life annuity, as calculated in
9 accordance with the provisions of section 5702 of this title
10 (relating to maximum single life annuity), or a reduced annuity
11 certified by the actuary to be actuarially equivalent to the
12 maximum single life annuity and in accordance with one of the
13 following options:

14 (1) Option 1. A life annuity to the member with a
15 guaranteed total payment equal to the present value of the
16 maximum single life annuity on the effective date of
17 retirement with the provision that, if, at his death, he has
18 received less than such present value, the unpaid balance
19 shall be payable to his beneficiary.

20 (2) Option 2. A joint and survivor annuity payable
21 during the lifetime of the member with the full amount of
22 such annuity payable thereafter to his survivor annuitant, if
23 living at his death.

24 (3) Option 3. A joint and 50% survivor annuity payable
25 during the lifetime of the member with one-half of such
26 annuity payable thereafter to his survivor annuitant, if
27 living at his death.

28 (4) Option 4. Some other benefit which shall be
29 certified by the actuary to be actuarially equivalent to the
30 maximum single life annuity, subject to the following

1 restrictions:

2 (i) any annuity shall be payable without reduction
3 during the lifetime of the member except as the result of
4 the member's election to receive an annuity reduced upon
5 attainment of age 65, in anticipation of the receipt of a
6 social security benefit;

7 (ii) the sum of all annuities payable to the
8 designated survivor annuitants shall not be greater than
9 one and one-half times the annuity payable to the member;
10 and

11 (iii) a portion of the benefit may be payable as a
12 lump sum, except that such lump sum payment shall be
13 limited to one such payment and it shall not exceed an
14 amount equal to the total accumulated deductions standing
15 to the credit of the member. The balance of the present
16 value of the maximum single life annuity adjusted in
17 accordance with section 5702(b) of this title (relating
18 to a certain maximum single life annuity) shall be paid
19 in the form of an annuity with a guaranteed total
20 payment, a single life annuity, or a joint and survivor
21 annuity or any combination thereof but subject to the
22 restrictions of (i) and (ii) under this option.

23 (b) In calculating an annuity payable to a member of the
24 joint coverage group, the present value of such adjusted annuity
25 shall be determined by taking into account prospectively the
26 reduction applicable upon the attainment of the age at which
27 full social security benefits are payable.

28 § 5706. Termination of annuities.

29 (a) Any annuity payable under this code shall cease if the
30 annuitant returns to State service or enters school service and

1 elects multiple service membership until subsequent
2 discontinuance of service, provided, however, that this
3 provision shall not apply in the case of any annuitant who may
4 render services to the Commonwealth in the capacity of an
5 independent contractor, and provided further that when, in the
6 judgment of the head of the department, an emergency creates an
7 increase in the work load such that there is serious impairment
8 of service to the public, an annuitant may, with the approval of
9 the Governor, be returned to State service in a classification
10 in which he had at least two years' experience and without loss
11 of annuity shall receive the pay for such classification for a
12 period not to exceed 60 days in any calendar year.

13 (b) Upon subsequent discontinuance of service, the annuity
14 of an active member whose former annuity as provided by the
15 system had been discontinued, shall be computed with respect to
16 total credited service and reduced by an annuity actuarially
17 equivalent to the benefit payments received as an annuitant
18 prior to attainment of superannuation age.

19 § 5707. Death benefits.

20 (a) Any active member, inactive member on leave without pay
21 or vestee who dies and was eligible for an annuity in accordance
22 with section 5308(a) or (b) of this title (relating to
23 eligibility for certain annuities), shall be considered as
24 having applied for an annuity to become effective the day before
25 his death and in the event he has not elected an option or such
26 election has not been approved prior to his death, it shall be
27 assumed that he elected Option 1.

28 (b) In the event of the death of an active member or an
29 inactive member on leave without pay who is not entitled to a
30 death benefit as provided in subsection(a) of this section, his

1 designated beneficiary shall be paid the full amount of his
2 total accumulated deductions.

3 (c) In the event of the death of a disability annuitant
4 before he has received in annuity payments an amount equal to
5 the present value, on the effective date of disability, of the
6 benefits to which he would have been entitled under
7 subsection(a) of this section had he died while in State
8 service, the balance of such amount shall be paid to his
9 designated beneficiary.

10 (d) In the event of the death of a disability annuitant who
11 was not entitled to receive benefits under subsection(a) of this
12 section, his beneficiary shall be paid the excess of the regular
13 accumulated deductions standing to his credit on the effective
14 date of disability over one-third of the total disability
15 payments received.

16 (e) In the event of the death of an annuitant who has
17 elected to receive the maximum single life annuity before he has
18 received in annuity payments the full amount of the total
19 accumulated deductions standing to his credit on the effective
20 date of retirement, the balance shall be paid to his designated
21 beneficiary.

22 § 5708. Supplemental annuities.

23 (a) Any annuitant receiving a supplemental annuity prior to
24 the effective date of this act in accordance with the State
25 Employees' Retirement Code of 1959, as amended to the effective
26 date of this act shall continue to receive such supplement.

27 (b) Any superannuation or disability annuitant retiring on
28 or after the effective date of this act shall receive a
29 supplement such that the total annuity prior to any optional
30 modification shall be at least \$65 for each full year of

1 credited service.

2 § 5709. Payment of benefits.

3 (a) Any annuity granted under the provisions of this code
4 shall be paid in equal monthly installments.

5 (b) If the amount of a death benefit payable to a
6 beneficiary under section 5707 of this title (relating to death
7 benefits) or under the provisions of Option 1 of section
8 5705(a)(1) of this title (relating to Option 1 of member's
9 options) is \$5,000 or more, such beneficiary may elect to
10 receive payment according to one of the following options:

11 (1) a lump sum payment;

12 (2) an annuity actuarially equivalent to the amount
13 payable; or

14 (3) a lump sum payment and an annuity such that the
15 annuity is actuarially equivalent to the amount payable less
16 the lump sum payment specified by the beneficiary.

17 (c) If the beneficiary designated by a member should
18 predecease him or die within 30 days of his death, or if a valid
19 nomination of a beneficiary is not in effect at his death, any
20 money payable to a beneficiary shall be made to the estate of
21 the member.

22 § 5710. Payments under other laws.

23 No payment provided for in this code shall be reduced on
24 account of any other benefits, now or hereafter provided for,
25 under any workmen's compensation law or any other law, except as
26 otherwise herein provided.

27 CHAPTER 59

28 ADMINISTRATION, FUNDS, ACCOUNTS, GENERAL PROVISIONS

29 Subchapter

30 A. Administration

1 C. State Employees' Retirement Fund and Accounts

2 E. General Provisions

3 SUBCHAPTER A

4 ADMINISTRATION

5 Sec.

6 5901. The State Employees' Retirement Board.

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8 5903. Duties of the board to advise and report to heads of
9 departments and members.

10 5904. Duties of the board to report to the Public School
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12 5905. Duties of the board regarding applications and elections
13 of members.

14 5906. Duties of heads of departments.

15 5907. Rights and duties of State employees and members.

16 5908. Rights and duties of annuitants.

17 § 5901. The State Employees' Retirement Board.

18 (a) The board shall be an independent administrative board
19 and consist of seven members: the State Treasurer, ex officio,
20 and six members appointed by the Governor for terms of four
21 years, subject to confirmation by the Senate. At least five
22 board members shall be active members of the system, and at
23 least two shall have ten or more years of credited State
24 service. The chairman of the board shall be designated by the
25 Governor from among the members of the board.

26 (b) The two members elected by the board and serving on the
27 effective date of this act shall continue to serve until the
28 expiration of their respective terms. Of the remaining four
29 appointees, one shall be appointed for an initial term of two
30 years, one for an initial term of three years, and two for an

1 initial term of four years. A vacancy occurring during the term
2 of an appointed member shall be filled for the unexpired term by
3 the appointment and confirmation of a successor in the same
4 manner as his predecessor. No appointed member shall serve more
5 than two consecutive full terms.

6 (c) Each member of the board shall take an oath of office
7 that he will, so far as it devolves upon him, diligently and
8 honestly, administer the affairs of said board and that he will
9 not knowingly violate or wilfully permit to be violated any of
10 the provisions of law applicable to this code. Such oath shall
11 be subscribed by the member taking it and certified by the
12 officer before whom it is taken and shall be immediately filed
13 in the Office of the Secretary of the Commonwealth.

14 (d) The members of the board who are members of the system
15 shall serve without compensation but shall not suffer loss of
16 salary or wages through serving on the board. The members of the
17 board who are not members of the system shall receive \$100 per
18 day when attending meetings and all board members shall be
19 reimbursed for any necessary expenses. However, when the duties
20 of the board as mandated are not executed, no compensation or
21 reimbursement for expenses of board members shall be paid or
22 payable during the period in which such duties are not executed.

23 (e) For the purposes of this code, the board shall possess
24 the power and privileges of a corporation. The Attorney General
25 of the Commonwealth shall be the legal advisor of the board.

26 § 5902. Administrative duties of the board.

27 (a) The secretary, clerical, and other employees of the
28 board and their successors whose positions on the effective date
29 of this act are under the classified service provisions of the
30 "Civil Service Act" of August 5, 1941 (No.286), shall continue

1 under such provisions. The compensation of all other persons
2 appointed shall be determined by the board and shall be
3 consistent with the standards established by the Executive Board
4 of this Commonwealth.

5 (b) The board shall contract for the services of a chief
6 medical examiner, an actuary, an investment counselor, and such
7 other professional personnel as it deems advisable.

8 (c) The board shall, through the Governor, submit to the
9 General Assembly annually a budget covering the administrative
10 expenses of this code. Such expenses as approved by the General
11 Assembly in an appropriation bill shall be paid from interest
12 earnings of the fund in excess of statutory interest, except
13 that if in any year such earnings are not sufficient the balance
14 required, after pro rata assessments payable by any other
15 employer whose employees are members of the system, shall be
16 appropriated from the General Fund and the special operating
17 funds.

18 (d) The board shall hold at least six regular meetings
19 annually and such other meetings as it may deem necessary.

20 (e) The board shall keep a record of all its proceedings
21 which shall be open to inspection by the public.

22 (f) The board shall perform such other functions as are
23 required for the execution of the provisions of this code.

24 (g) In the event the head of the department fails to comply
25 with the procedures as mandated in section 5906 of this title
26 (relating to duties of heads of departments), the board shall
27 perform such duties and bill the department for the cost of
28 same.

29 (h) The board shall, with the advice of the Attorney General
30 and the actuary, adopt and promulgate rules and regulations for

1 the uniform administration of the system. The actuary shall
2 approve in writing all computational procedures used in the
3 calculation of contributions and benefits prior to their
4 application by the board.

5 (i) The board shall keep in convenient form such data as are
6 stipulated by the actuary in order that an annual actuarial
7 valuation of the various accounts can be completed within six
8 months of the close of each calendar year.

9 (j) The board shall have the actuary make an annual
10 valuation of the various accounts within six months of the close
11 of each calendar year. In the year 1975 and in every fifth year
12 thereafter the board shall have the actuary conduct an actuarial
13 investigation and evaluation of the system based on data
14 including the mortality, service, and compensation experience
15 provided by the board annually during the preceding five years
16 concerning the members and beneficiaries. The board shall adopt
17 such tables as are necessary for the actuarial valuation of the
18 fund and calculation of contributions, annuities and benefits
19 based on the reports and recommendations of the actuary.

20 (k) The board shall, each year in addition to the itemized
21 budget required under section 5509 of this title (relating to
22 appropriations and assessments by the Commonwealth), certify, as
23 a percentage of the members' payroll, the employers'
24 contributions necessary for the funding of prospective annuities
25 for active members and certify the rates and amounts of the
26 employers' normal contributions and accrued liability
27 contributions which shall be paid to the fund and credited to
28 the appropriate accounts. These certifications shall be regarded
29 as final and not subject to modification by the Budget
30 Secretary.

1 (1) The board shall cause each payroll deduction to be
2 credited to the account of the member from whose compensation
3 the deduction was made and shall pay all such amounts into the
4 fund.

5 (m) The board shall prepare and have published, on or before
6 July 1 of each year, a financial statement as of the calendar
7 year ending December 31 of the previous year showing the
8 condition of the fund and the various accounts and setting forth
9 such other facts, recommendations, and data as may be of use in
10 the advancement of knowledge concerning annuities and other
11 benefits provided by this code. The board shall submit said
12 financial statement to the Governor and shall file copies with
13 the head of each department for the use of the State employees
14 and the public.

15 § 5903. Duties of the board to advise and report to heads of
16 departments and members.

17 (a) The board shall, with the advice of the Attorney General
18 and the actuary, prepare and provide, within 90 days of the
19 effective date of this act, a manual incorporating rules and
20 regulations consistent with the provisions of this code to the
21 heads of departments and their respective retirement counselors
22 who shall make the information contained therein available to
23 the general membership. The board shall thereafter advise the
24 heads of departments within 90 days of any changes in such rules
25 and regulations due to changes in the law or due to changes in
26 administrative policies.

27 (b) The board shall furnish annually to the head of each
28 department on or before April 1, a statement for each member
29 employed in such department showing the total accumulated
30 deductions standing to his credit as of December 31 of the

1 previous year and requesting the member to make any necessary
2 corrections or revisions regarding his designated beneficiary.
3 In addition, for each member employed in any department and for
4 whom the retirement counselor has furnished the necessary
5 information, the board shall certify the number of years and
6 fractional part of a year of credited service attributable to
7 each class of service, the number of years and fractional part
8 of a year attributable to social security integration credits in
9 each class of service and, in the case of a member eligible to
10 receive an annuity, the benefit to which he is entitled upon the
11 attainment of superannuation age.

12 (c) Upon receipt of an application from an active member or
13 eligible school employee to purchase credit for previous State
14 or creditable nonstate service, or of a notice of election of a
15 member of Class A to become a member of another class for
16 service in which he is eligible to receive credit, or an
17 election to become a full coverage member, the board shall
18 determine and certify to the member the amount required to be
19 paid by the member. When necessary, the board shall certify to
20 the previous employer the amount due in accordance with sections
21 5504 and 5505 of this title (relating to contributions for
22 previous State service and nonstate service).

23 (d) Upon receipt of an application from a member of Class B
24 to become a member of Class A or from a member of Class A who is
25 eligible and elects to become a member of either Class D-3,
26 Class E-1, or Class E-2 or a joint coverage member who elects to
27 become a full coverage member, the board shall certify to the
28 member the effective date of such transfer and the prospective
29 rate for regular member contributions.

30 § 5904. Duties of the board to report to the Public School

1 Employees' Retirement Board.

2 (a) Upon receipt of an application for membership in the
3 system of a State employee who is a former public school
4 employee and who has elected multiple service membership, the
5 board shall advise the Public School Employees' Retirement Board
6 accordingly.

7 (b) Upon receipt of notification from the Public School
8 Employees' Retirement Board that a former State employee has
9 become an active member in the Public School Employees'
10 Retirement System and has elected to receive credit for multiple
11 service, the board shall certify to the Public School Employees'
12 Retirement Board and concurrently to the member:

13 (1) the total credited service in the system and the
14 number of years and fractional part of a year of service
15 credited in each class of service;

16 (2) the annual compensation received each calendar year
17 by the member for credited State service; and

18 (3) the social security integration credited service to
19 which the member is entitled and the average noncovered
20 salary upon which the single life annuity attributable to
21 such service will be computed.

22 (c) Upon receipt of notification and the required data from
23 the Public School Employees' Retirement Board that a former State
24 employee who elected multiple service has applied for a public
25 school employees' retirement benefit or, in the event of his
26 death, his legally constituted representative has applied for
27 such benefit, the board shall:

28 (1) certify to the Public School Employees' Retirement
29 Board;

30 (i) the salary history as a member of the State

1 Employees' Retirement System and the final average salary
2 as calculated on the basis of the compensation received
3 as a State and school employee; and

4 (ii) the annuity or benefit to which the member or
5 his beneficiary is entitled as modified according to the
6 option selected; and

7 (2) transfer to the Public School Employees' Retirement
8 Fund the total accumulated deductions standing to such
9 member's credit and the actuarial reserve required on account
10 of years of credited service in the State system, final
11 average salary and the average noncovered salary as an active
12 member in the system to be charged to the State accumulation
13 account, the State Police benefit account or the enforcement
14 officers' benefit account, as each case may require.

15 § 5905. Duties of the board regarding applications and
16 elections of members.

17 (a) As soon as practicable after each member shall have
18 become an active member in the system, the board shall issue to
19 the member a statement certifying his class of service, his
20 member contribution rate, and the aggregate length of total
21 previous State service and creditable nonstate service for which
22 he may receive credit.

23 (b) Upon receipt of notification from the Public School
24 Employees' Retirement Board that a former State employee has
25 become an active member in the Public School Employees'
26 Retirement System and has elected to become a member with
27 multiple service status the board shall:

28 (1) in case of a member receiving an annuity from the
29 system, discontinue payments, transfer the present value, at
30 that time, of the member's annuity from the annuity reserve

1 account to the members' savings account and resume crediting
2 of statutory interest on the amount restored to his credit
3 and transfer the balance of the present value of the total
4 annuity from the annuity reserve account to the State
5 accumulation account; or

6 (2) in case of a member who is not receiving an annuity
7 and has not withdrawn his total accumulated deductions,
8 continue or resume the crediting of statutory interest on his
9 total accumulated deductions during the period his total
10 accumulated deductions remain in the fund; or

11 (3) in case of a former State employee who is not
12 receiving an annuity from the system and his total
13 accumulated deductions were withdrawn, certify to the former
14 State employee the accumulated deductions as they would have
15 been at the time of his separation had he been a full
16 coverage member together with statutory interest for all
17 periods of subsequent State and school service to the date of
18 repayment. Such amount shall be restored by him and shall be
19 credited with statutory interest as such payments are
20 restored.

21 (c) In every case where the board has received an
22 application for a disability annuity based upon physical or
23 mental incapacity for the performance of the job for which the
24 member is employed, the board shall:

25 (1) through the chief medical examiner, have the
26 applicant examined and on the basis of said examination, and
27 the subsequent recommendation by the chief medical examiner
28 regarding the applicant's medical qualification for a
29 disability annuity along with such other recommendations
30 which he may make with respect to the permanency of

1 disability or the need for subsequent reexaminations, make a
2 finding of disability or nondisability and in the case of
3 disability establish an effective date of disability and the
4 terms and conditions regarding subsequent reexaminations;

5 (2) upon the recommendation of the chief medical
6 examiner on the basis of subsequent medical examinations,
7 make a finding of disability or nondisability, and in the
8 case of a finding of nondisability establish the date of
9 termination of disability and at that time discontinue any
10 annuity payments in excess of an annuity calculated in
11 accordance with section 5702 (relating to maximum single life
12 annuity); and

13 (3) upon receipt of a written statement from a
14 disability annuitant of his earned income of the previous
15 quarter, adjust the payments of the disability annuity for
16 the following quarter in accordance with the provisions of
17 section 5704(c) of this title (relating to reductions in
18 disability annuities).

19 (d) Upon receipt of a member's application to withdraw his
20 total accumulated deductions and any data required from the head
21 of the department, the board shall pay to such member within 60
22 days after filing the application or termination of State
23 service whichever is later the total accumulated deductions
24 standing to his credit.

25 (e) The board shall certify to a vestee within one year of
26 termination of State service of such member:

27 (1) the total accumulated deductions standing to his
28 credit at the date of termination of service;

29 (2) the number of years and fractional part of a year of
30 credit in each class of service; and

1 (3) the maximum single life annuity to which the vestee
2 shall become entitled upon the attainment of superannuation
3 age and the filing of an application for such annuity.

4 (f) The board shall make the first monthly payment to a
5 member who is eligible for an annuity within 60 days of the
6 filing of his application for an annuity and receipt of the
7 required data from the head of the department. Concurrently the
8 board shall certify to such member:

9 (1) the total accumulated deductions standing to his
10 credit showing separately the amount contributed and the
11 interest credited to the date of termination of service;

12 (2) the number of years and fractional part of a year
13 credited in each class of service;

14 (3) the final average salary on which his annuity is
15 based as well as any applicable reduction factors due to age
16 and/or election of an option; and

17 (4) the total annuity payable under the option elected
18 and the amount and effective date of any future reduction
19 under section 5703 of this title (relating to reduction of
20 annuities on account of social security old-age insurance
21 benefits).

22 (g) Upon receipt of notification from the head of a
23 department of the death of an active member or a member on leave
24 without pay, the board shall advise the designated beneficiary
25 of the benefits to which he is entitled, and shall make the
26 first payment to the beneficiary within 60 days of receipt of
27 certification of death.

28 (h) Upon receipt of the election by an eligible member to
29 convert his medical, major medical, and hospitalization
30 insurance coverage to the plan for State annuitants, the board

1 shall notify the insurance carrier of such election and shall
2 deduct the appropriate annual charges in equal monthly
3 installments. Such deductions shall be transmitted to the
4 designated fiscal officer of the Commonwealth having
5 jurisdiction over the payment of such group charges on behalf of
6 the annuitant.

7 (i) The board shall notify in writing each joint coverage
8 annuitant who retired prior to July 1, 1962 that he may elect
9 any time prior to January 1, 1974 to receive his annuity without
10 reduction attributable to social security coverage upon payment
11 in a lump sum of the amount which shall be certified by the
12 board within 60 days of such election. Upon receipt of such
13 payment the board shall recompute the annuity payable to such
14 annuitant and the annuity and/or lump sum, if any, payable upon
15 his death to his beneficiary or survivor annuitant as though he
16 had been a full coverage member on the effective date of
17 retirement. Such recomputed annuity shall be paid beginning with
18 the second monthly payment next following the month in which the
19 lump sum payment is received.

20 § 5906. Duties of heads of departments.

21 (a) The head of department shall, at the end of each pay
22 period, notify the board in a manner prescribed by the board of
23 salary changes effective during that period for any members of
24 the department, the date of all removals from the payroll, and
25 the type of leave of any members of the department who have been
26 removed from the payroll for any time during that period, and:

27 (1) if the removal is due to leave without pay, he shall
28 furnish the board with the date of beginning leave and the
29 date of return to service, and the reason for leave; or

30 (2) if the removal is due to a transfer to another

1 department, he shall furnish such department and the board
2 with a complete State service record, including past State
3 service in other departments or agencies, or creditable
4 nonstate service; or

5 (3) if the removal is due to termination of State
6 service, he shall furnish the board with a complete State
7 service record, including service in other departments or
8 agencies, or creditable nonstate service and in the case of
9 death of the member the head of the department shall so
10 notify the board.

11 (b) At any time at the request of the board and at
12 termination of service of a member, the head of department shall
13 furnish service and compensation records and such other
14 information as the board may require and shall maintain and
15 preserve such records as the board may direct for the
16 expeditious discharge of its duties.

17 (c) The head of department shall cause to be deducted the
18 required member contributions from each payroll. The head of
19 department shall certify to the State Treasurer the amounts
20 deducted and shall send the total amount deducted together with
21 a duplicate of such voucher to the secretary of the board every
22 pay period.

23 (d) Upon the assumption of duties of each new State employee
24 whose membership in the system is mandatory, the head of
25 department shall cause an application for membership and a
26 nomination of beneficiary to be made by such employee and filed
27 with the board and shall make payroll deductions from the
28 effective date of State employment. The head of department shall
29 inform such employee of his right to elect to make additional
30 contributions on account of social security integration credit.

1 (e) The head of department shall, upon the employment or
2 entering into office of any State employee whose membership in
3 the system is not mandatory, inform such employee of his
4 opportunity to become a member of the system and of his right to
5 elect to make additional contributions on account of social
6 security integration credit. If such employee so elects, the
7 head of department shall cause an application for membership and
8 a nomination of beneficiary to be made by him and filed with the
9 board and shall make payroll deductions from the effective date
10 of membership.

11 (f) The head of department shall designate an employee of
12 his department to serve as a retirement counselor subject to
13 approval by the board. Such retirement counselor shall assist
14 the head of department in advising the employees of the
15 department of their rights and duties as members of the system.

16 (g) The head of department shall, upon the employment of a
17 former contributor to the Public School Employees' Retirement
18 System who is not an annuitant of the Public School Employees'
19 Retirement System, advise such employee of his right to elect to
20 become a multiple service member, and in the case of any such
21 employee who has withdrawn his accumulated deductions, advise
22 him of his right at any time prior to termination of service as
23 a State employee to reinstate his credit in the Public School
24 Employees' Retirement System by restoring his accumulated
25 deductions. The head of the department shall advise the board of
26 such election.

27 (h) The head of department shall, upon the employment of an
28 annuitant of the Public School Employees' Retirement System who
29 applies for membership in the system, advise such employee that
30 he may elect multiple service membership and if he so elects his

1 public school employee's annuity will be discontinued and, upon
2 termination of State service and application for retirement, the
3 annuity will be recomputed and paid on the basis of his total
4 school and State service. The head of department shall advise
5 the board of such election.

6 (i) Annually, upon receipt from the board, the head of
7 department shall furnish to each member the statement specified
8 in section 5903(b) of this title (relating to duties of the
9 board to furnish statements for members).

10 (j) The head of department shall, in the case of any member
11 terminating State service, advise such member in writing of any
12 benefits to which he may be entitled under the provisions of
13 this code and shall have the member prepare, on or before the
14 date of termination of State service one of the following three
15 forms, a copy of which shall be given to the member and the
16 original of which shall be filed with the board:

17 (1) an application for the return of total accumulated
18 deductions; or

19 (2) an election to vest his retirement rights, and if he
20 is a joint coverage member and so desires, elect to become a
21 full coverage member and agree to pay within 30 days of the
22 date of termination of service the lump sum required; or

23 (3) an application for an immediate annuity; and if he
24 desires,

25 (i) an election to convert his medical, major
26 medical, and hospitalization insurance coverage to the
27 plan for State annuitants; and

28 (ii) if he is a joint coverage member, an election
29 to become a full coverage member and an agreement to pay
30 within 30 days of date of termination of service the lump

1 sum required.

2 (k) Any application properly executed and filed under
3 subsection (j) with the department and not filed with the board
4 within 30 days shall be deemed to have been filed with the board
5 on the date filed with the department and in such case all
6 required data shall be furnished to the board immediately.
7 § 5907. Rights and duties of State employees and members.

8 (a) Upon his assumption of duties each new State employee
9 shall furnish the head of department with a complete record of
10 his previous State service, his school service or creditable
11 nonstate service, and proof of his date of birth and current
12 status in the system and in the Public School Employees'
13 Retirement System. Wilful failure to provide the information
14 required by this subsection to the extent available upon
15 entrance into the system shall result in the forfeiture of the
16 right of the member to subsequently assert any right to benefits
17 based on any of the required information which he failed to
18 provide. In any case in which the board finds that a member is
19 receiving an annuity based on false information, the total
20 amount received predicated on such false information together
21 with statutory interest doubled and compounded shall be deducted
22 from the present value of any remaining benefits to which the
23 member is legally entitled.

24 (b) In the case of a new employee who is not currently a
25 member of the system, and whose membership is mandatory or in
26 the case of a new employee whose membership in the system is not
27 mandatory but who desires to become a member of the system, the
28 new employee shall execute an application for membership and a
29 nomination of beneficiary and shall make the proper
30 contributions.

1 (c) Any member who has not elected to receive social
2 security integration credit may elect to receive such credit
3 prospectively by written notice filed with the board and shall
4 agree in such notice to make the required additional
5 contributions during all prospective periods of active State
6 service.

7 (d) Any active member who was formerly an active member in
8 the Public School Employees' Retirement System may elect to
9 become a multiple service member.

10 (e) Any active member or eligible school employee who
11 desires to receive credit for his total previous State service
12 or creditable nonstate service to which he is entitled, or a
13 member of Class A or Class B who desires to become a member of
14 another class of service in which he is eligible to receive
15 credit, or a joint coverage member who desires to become a full
16 coverage member, shall so notify the board and upon written
17 agreement by the member and the board as to the manner of
18 payment of the amount due, the member shall receive credit for
19 such service as of the date of such agreement: Provided, That
20 any State employee who on January 1, 1969, became a Judge of the
21 Municipal Court of Philadelphia or the Traffic Court of
22 Philadelphia pursuant to Article V of the Constitution of
23 Pennsylvania and its schedule and who desires to receive
24 nonstate service credit for former service as a magistrate of
25 the City of Philadelphia shall, on or before March 28, 1973:

26 (1) withdraw from the City of Philadelphia retirement
27 system all contributions made thereto by him;

28 (2) furnish the retirement board with a statement from
29 the City of Philadelphia Board of Pensions and Retirement
30 certifying,

1 (i) all such service heretofore credited to him as a
2 magistrate in the City of Philadelphia retirement system;
3 and

4 (ii) that he was a contributor as a magistrate to
5 the City of Philadelphia retirement system on December
6 31, 1968;

7 (3) a statement that he is not receiving or entitled to
8 receive presently or at any time in the future a pension or
9 other benefit under the City of Philadelphia retirement
10 system for such service; and

11 (4) pay to the fund the amount required as certified by
12 the board.

13 (f) Every member shall nominate a beneficiary by written
14 designation duly acknowledged and filed with the board as
15 provided in section 5906(d) or (e) of this title (relating to
16 certain duties of heads of departments) to receive the death
17 benefit payable under section 5707 of this title (relating to
18 death benefits) or the benefit payable under the provisions of
19 Option 1 of section 5705(a)(1) of this title (relating to Option
20 1 of member's options). Such nomination may be changed at any
21 time by the member by written designation duly acknowledged and
22 filed with the board. A member may also nominate a contingent
23 beneficiary or beneficiaries to receive the death benefit
24 provided under section 5707 of this title (relating to death
25 benefits) or the benefit payable under the provisions of Option
26 1 of section 5705(a)(1) of this title (relating to Option 1 of
27 member's options).

28 (g) Each member who terminates State service shall execute
29 on or before the date of termination of service the appropriate
30 application, duly attested by the member or his legally

1 constituted representative, electing to:

2 (1) withdraw his total accumulated deductions; or

3 (2) vest his retirement rights; and if he is a joint
4 coverage member, and so desires, elect to become a full
5 coverage member and agree to pay within 30 days of the date
6 of termination of service the lump sum required; or

7 (3) receive an immediate annuity, and may,

8 (i) if eligible, elect to convert his medical, major
9 medical, and hospitalization coverage to the plan for
10 State annuitants; and

11 (ii) if he is a joint coverage member, elect to
12 become a full coverage member and agree to pay within 30
13 days of date of termination of service the lump sum
14 required.

15 (h) If a member elects to vest his retirement rights he
16 shall nominate a beneficiary by written designation duly
17 acknowledged and filed with the board and he may anytime
18 thereafter, withdraw the total accumulated deductions standing
19 to his credit or apply for an annuity.

20 (i) Upon attainment of superannuation age a vestee shall
21 execute and file an application for an annuity. Any such
22 application filed within 90 days after attaining superannuation
23 age shall be effective as of the date of attainment of
24 superannuation age. Any application filed after such period
25 shall be effective as of the date it is filed with the board. If
26 a vestee does not file an application within seven years after
27 attaining superannuation age, he shall be deemed to have elected
28 to receive his total accumulated deductions upon attainment of
29 superannuation age.

30 (j) If a member is eligible to receive an annuity and does

1 not file a proper application within 90 days of termination of
2 service, his annuity will become effective as of the date the
3 application is filed with the board or the date designated on
4 the application whichever is later.

5 (k) A member who is eligible and elects to receive a reduced
6 annuity under Option 1, 2, 3, or 4, shall nominate a beneficiary
7 or a survivor annuitant, as the case may be, by written
8 designation duly acknowledged and filed with the board at the
9 time of his retirement. A member having designated a survivor
10 annuitant at the time of retirement shall not be permitted to
11 nominate a new survivor annuitant unless such survivor annuitant
12 predeceases him. In such event, the annuitant shall have the
13 right to reelect an option and to nominate a beneficiary or a
14 new survivor annuitant and to have his annuity recomputed to be
15 actuarially equivalent as of the date of recomputation to a
16 single life annuity in the amount of the reduced annuity which
17 he was receiving immediately prior to the recomputation.

18 (l) If service of a member is terminated due to his physical
19 or mental incapacity for the performance of duty, an application
20 for a disability annuity may be executed by him or by a person
21 legally authorized to act on his behalf.

22 § 5908. Rights and duties of annuitants.

23 (a) Any annuitant who is a joint coverage member who was
24 receiving an annuity prior to July 1, 1962, may elect to receive
25 his annuity without reduction on account of social security old-
26 age insurance benefits: Provided, That he shall file such
27 election with the board prior to January 1, 1974 and shall make
28 a lump sum payment within 60 days of receipt of the
29 certification of the amount due.

30 (b) It shall be the duty of an annuitant receiving a

1 disability annuity while still under superannuation age to
2 furnish a written statement within 30 days of the close of each
3 calendar quarter of all earned income during that quarter and
4 information showing whether or not he is able to engage in a
5 gainful occupation and such other information as may be required
6 by the board. On failure, neglect, or refusal to furnish such
7 information for the period of the preceding quarter, the board
8 may refuse to make further payments due to disability to such
9 annuitant until he has furnished such information to the
10 satisfaction of the board. Should such refusal continue for six
11 months, all of his rights to the disability annuity payments in
12 excess of any annuity to which he is otherwise entitled shall be
13 forfeited from the date of his last written statement to the
14 board. Any moneys received in excess of those to which he was
15 entitled shall be deducted from the present value of the annuity
16 to which he is otherwise entitled.

17 (c) Should any annuitant receiving a disability annuity
18 while still under superannuation age refuse to submit to a
19 medical examination by a physician or physicians at the request
20 of the board, his payments due to disability shall be
21 discontinued until the withdrawal of such refusal. Should such
22 refusal continue for a period of six months, all of his rights
23 to the disability annuity payments in excess of any annuity to
24 which he is otherwise entitled shall be forfeited.

25 SUBCHAPTER C

26 STATE EMPLOYES' RETIREMENT FUND AND ACCOUNTS

27 Sec.

28 5931. Management of fund and accounts.

29 5932. State Employees' Retirement Fund.

30 5933. Members' savings account.

1 5934. State accumulation account.
2 5935. Annuity reserve account.
3 5936. State Police benefit account.
4 5937. Enforcement officers' benefit account.
5 5938. Supplemental annuity account.
6 5939. Interest reserve account.
7 § 5931. Management of fund and accounts.

8 (a) The members of the board shall be the trustees of the
9 fund and shall have exclusive control and management of the said
10 fund and full power to invest the same, subject, however, to all
11 the terms, conditions, limitations and restrictions imposed by
12 this code or other law upon the making of investments. Subject
13 to like terms, conditions, limitations and restrictions, said
14 trustees shall have the power to hold, purchase, sell, assign,
15 transfer or dispose of any of the securities and investments in
16 which any of the moneys in the fund shall have been invested as
17 well as of the proceeds of said investments and of any moneys
18 belonging to said fund.

19 (b) The board, annually, shall allow statutory interest on
20 the mean amount for the preceding year to the credit of each of
21 the accounts. The amount so allowed shall be credited thereto by
22 the board and transferred from the interest reserve account.

23 (c) The State Treasurer shall be the custodian of the fund.

24 (d) All payments from the fund shall be made by the State
25 Treasurer in accordance with requisitions signed by the
26 secretary of the board and ratified by resolution of the board.

27 (e) The members of the board, employees of the board and
28 agents thereof shall stand in a fiduciary relationship to the
29 members of the system regarding the investments and
30 disbursements of any of the moneys of the fund and shall not

1 profit either directly or indirectly with respect thereto.

2 (f) By the name of "The State Employees' Retirement System"
3 all of the business of the system shall be transacted, its fund
4 invested, all requisitions for money drawn and payments made,
5 and all of its cash and securities and other property shall be
6 held.

7 (g) For the purpose of meeting disbursements for annuities
8 and other payments in excess of the receipts, there shall be
9 kept available by the State Treasurer an amount, not exceeding
10 10% of the total amount in the fund, on deposit in any bank or
11 banks in this Commonwealth organized under the laws thereof or
12 under the laws of the United States or with any trust company or
13 companies incorporated by any law of this Commonwealth, provided
14 any of such banks or trust companies shall furnish adequate
15 security for said deposit, and provided that the sum so
16 deposited in any one bank or trust company shall not exceed 25%
17 of the paid-up capital and surplus of said bank or trust
18 company.

19 (h) Preferred and common stock as defined in subsection (i)
20 of any corporation as defined in subsection (j) organized under
21 the laws of the United States or of any commonwealth or state
22 thereof or of the District of Columbia shall be an authorized
23 investment of the fund, regardless of any other provision of law
24 provided that:

25 (1) such stock be purchased with the exercise of that
26 degree of judgment and care under the circumstances then
27 prevailing which men of prudence, discretion and intelligence
28 exercise in the management of their own affairs not in regard
29 to speculation, but in regard to the permanent disposition of
30 the funds, considering the probable income to be derived

1 therefrom as well as the probable safety of their capital;

2 (2) in the case of any stock other than stock of a bank
3 or insurance company, the stock be listed or traded (or if
4 unlisted or not entitled to trading privileges shall be
5 eligible for listing and application for such listing shall
6 have been made) on the New York Stock Exchange or any other
7 exchange approved by the Secretary of Banking;

8 (3) no investment in common stock be made which at that
9 time would cause the book value of the investments in common
10 stock to exceed 10% of the total assets of the fund;

11 (4) no more than 2% of the total assets of the fund be
12 invested in common stocks in any one year, provided that any
13 unused portion may be used in subsequent years, but in no
14 event shall more than 8% of such assets be invested in common
15 stocks in any one year;

16 (5) the amount invested in the common stock of any one
17 company not exceed at cost 1% of the book value of the assets
18 of the fund at the time of purchase and shall not exceed 2
19 1/2% of the issued and outstanding common stock of that
20 company;

21 (6) in no event the total amount invested in common
22 stocks at any time be in excess of 50% of the total amount of
23 the fund invested in mortgage loans on real estate located in
24 the Commonwealth of Pennsylvania which are insured by the
25 Federal Housing Administration or the Veterans'
26 Administration; and

27 (7) no sale or other liquidation of any investment be
28 required solely because of any change in market values
29 whereby the percentages of stocks hereinabove set forth are
30 exceeded.

1 (i) "Common stock" as used in subsection (h) shall include
2 the stock certificates, certificates of beneficial interests or
3 trust participation certificates issued by any corporation or
4 unincorporated association included under the definition of
5 "corporation" in the following paragraph.

6 (j) "Corporation" as used in subsection (h) shall include a
7 voluntary association, a joint-stock association or company, a
8 business trust, a Massachusetts trust, a common-law trust and
9 any other organization organized and existing for any lawful
10 purpose and which like a corporation, continues to exist,
11 notwithstanding changes in the personnel of its members or
12 participants and conducts its affairs through a committee, a
13 board or some other group acting in a representative capacity.

14 § 5932. State Employees' Retirement Fund.

15 The fund shall consist of all moneys in the several separate
16 funds in the State Treasury, set apart to be used under the
17 direction of the board for the benefit of members of the system;
18 and the Treasury Department shall credit to the fund all moneys
19 received from the Department of Revenue arising from the
20 contributions required under the provisions of Chapter 55 of
21 this title (relating to contributions), and all interest earned
22 by the investments or moneys of said fund. There shall be
23 established and maintained by the board the several ledger
24 accounts specified in section 5933 of this title (relating to
25 members' savings account), section 5934 of this title (relating
26 to State accumulation account), section 5935 of this title
27 (relating to annuity reserve account), section 5936 of this
28 title (relating to State Police benefit account), section 5937
29 of this title (relating to enforcement officers' benefit
30 account), section 5938 of this title (relating to supplemental

1 annuity account), and section 5939 of this title (relating to
2 interest reserve account).

3 § 5933. Members' savings account.

4 (a) The members' savings account shall be the ledger account
5 to which shall be credited the amounts of the contributions or
6 lump sum payments made by active members in accordance with the
7 provisions of section 5501 of this title (relating to regular
8 member contributions for current service), section 5502 of this
9 title (relating to social security integration member
10 contributions), section 5503 of this title (relating to joint
11 coverage member contributions), section 5504 of this title
12 (relating to member contributions for the purchase of credit for
13 previous State service or to become a full coverage member), and
14 section 5505 of this title (relating to contributions for the
15 purchase of credit for creditable nonstate service).

16 (b) The members' savings account in total and the individual
17 member accounts shall be credited with statutory interest. The
18 total accumulated deductions credited to a member whose
19 application for an annuity has been approved shall be
20 transferred from the members' savings account to the annuity
21 reserve account provided for in section 5935 of this title
22 (relating to annuity reserve account), except in the case of a
23 member of Class C the total accumulated deductions to his credit
24 shall be transferred from the members' savings account to the
25 State Police benefit account provided for in section 5936 of
26 this title (relating to State Police benefit account) or to the
27 enforcement officers benefit account provided for in section
28 5937 of this title (relating to enforcement officers' benefit
29 account), as the case may be.

30 (c) Upon the election of a member to withdraw his total

1 accumulated deductions, the payment of such amount shall be
2 charged to the members' savings account.

3 § 5934. State accumulation account.

4 The State accumulation account shall be the ledger account to
5 which shall be credited all contributions of the Commonwealth or
6 other employers whose employees are members of the system and
7 made in accordance with the provisions of section 5507(a) of
8 this title (relating to contributions by the Commonwealth and
9 other employers) except that the amounts received under the
10 provisions of the act of May 12, 1943 (No. 120), and the amounts
11 received under the provisions of the "Liquor Code," act of April
12 12, 1951 (No. 21), on behalf of members of Class C shall be
13 credited to the State Police benefit account or the enforcement
14 officers' benefit account as the case may be. The State
15 accumulation account shall be credited with statutory interest.
16 The reserves necessary for the payment of annuities and death
17 benefits as approved by the board and as provided in Chapter 57
18 of this title (relating to benefits) shall be transferred from
19 the State accumulation account to the annuity reserve account
20 provided for in section 5935 of this title (relating to annuity
21 reserve account), except that the reserves necessary on account
22 of a member of Class C shall be transferred from the State
23 accumulation account to the State Police benefit account
24 provided for in section 5936 of this title (relating to State
25 Police benefit account) or to the enforcement officers' benefit
26 account as provided for in section 5937 of this title (relating
27 to enforcement officers' benefit account), as the case may be.

28 § 5935. Annuity reserve account.

29 (a) The annuity reserve account shall be the ledger account
30 to which shall be credited the reserves held for payment of

1 annuities and death benefits on account of all annuitants except
2 in the case of members of Class C. The annuity reserve account
3 shall be credited with statutory interest. After the transfers
4 provided in section 5933 of this title (relating to members'
5 savings account), section 5934 of this title (relating to State
6 accumulation account), and section 5938 of this title (relating
7 to supplemental annuity account), all annuity and death benefit
8 payments except those applicable to Class C service shall be
9 charged to the annuity reserve account and paid from the fund.

10 (b) Should an annuitant other than a member of Class C be
11 subsequently restored to active service, the present value of
12 his member's annuity at the time of reentry into State service
13 shall be transferred from the annuity reserve account and placed
14 to his individual credit in the members' savings account. In
15 addition, the actuarial reserve for his annuity less the amount
16 transferred to the members' savings account shall be transferred
17 from the annuity reserve account to the State accumulation
18 account.

19 § 5936. State Police benefit account.

20 (a) The State Police benefit account shall be the ledger
21 account to which shall be credited all contributions received
22 under the provisions of the act of May 12, 1943 (No. 120), and
23 any additional Commonwealth or other employer contributions
24 provided for in section 5507 of this title (relating to
25 contributions by the Commonwealth and other employers), which
26 are creditable to the State Police benefit account. The State
27 Police benefit account shall be credited with statutory
28 interest. In addition, upon the filing of an application for an
29 annuity by a member of Class C who is an officer or employee of
30 the Pennsylvania State Police, the total accumulated deductions

1 standing to the credit of the member in the members' savings
2 account and the necessary reserves from the State accumulation
3 account shall be transferred to the State Police benefit
4 account. Thereafter, the total annuity of such annuitant shall
5 be charged to the State Police benefit account and paid from the
6 fund.

7 (b) Should the said annuitant be subsequently restored to
8 active service, the present value of the member's annuity at the
9 time of reentry into State service shall be transferred from the
10 State Police benefit account and placed to his individual credit
11 in the members' savings account. In addition, the actuarial
12 reserve for his annuity calculated as if he had been a member of
13 Class A less the amount transferred to the members' savings
14 account shall be transferred from the State Police benefit
15 account to the State accumulation account.

16 § 5937. Enforcement officers' benefit account.

17 (a) The enforcement officers' benefit account shall be the
18 ledger account to which shall be credited moneys transferred
19 from the Enforcement Officers' Retirement Account to the State
20 Stores Fund according to the provisions of the "Liquor Code,"
21 act of April 12, 1951 (No. 21), and any additional Commonwealth
22 or other employer contributions provided for in section 5507 of
23 this title (relating to contributions by the Commonwealth and
24 other employers) which are creditable to the enforcement
25 officers' benefit account. The enforcement officers' benefit
26 account shall be credited with statutory interest. In addition,
27 upon the filing of an application for an annuity by a member of
28 Class C who is an enforcement officer of the Pennsylvania Liquor
29 Control Board, the total accumulated deductions standing to the
30 credit of the member in the members' savings account and the

1 necessary reserves from the State accumulation account shall be
2 transferred to the enforcement officers' benefit account.
3 Thereafter, the total annuity of such annuitant shall be charged
4 to the enforcement officers' benefit account and paid from the
5 fund.

6 (b) Should the said annuitant be subsequently restored to
7 active service, the present value of the member's annuity at the
8 time of reentry into State service shall be transferred from the
9 enforcement officers' benefit account and placed to his
10 individual credit in the members' savings account. In addition,
11 the actuarial reserve for his annuity calculated as if he had
12 been a member of Class A less the amount transferred to the
13 members' savings account shall be transferred from the
14 enforcement officers' benefit account to the State accumulation
15 account.

16 § 5938. Supplemental annuity account.

17 The supplemental annuity account shall be the ledger account
18 to which shall be credited all contributions from the
19 Commonwealth in accordance with section 5507(b) of this title
20 (relating to certain contributions by the Commonwealth and other
21 employers) for the payment of the supplemental annuities
22 provided in section 5708 of this title (relating to minimum and
23 supplemental annuities). The supplemental annuity account shall
24 be credited with statutory interest. The reserves necessary for
25 the payment of such supplemental annuities shall be transferred
26 from the supplemental annuity account to the annuity reserve
27 account as provided in section 5935 of this title (relating to
28 annuity reserve account).

29 § 5939. Interest reserve account.

30 The interest reserve account shall be the ledger account to

1 which shall be credited all moneys earned by the fund. At the
2 end of each year statutory interest shall be transferred from
3 the interest reserve account to the credit of each of the
4 accounts in accordance with the provisions of this article. The
5 administrative expenses of the board shall be charged to the
6 interest reserve account and paid from the fund out of earnings
7 in excess of the total statutory interest required for all
8 accounts. Any balance remaining in the interest reserve account
9 at the end of each year shall be transferred to the State
10 accumulation account.

11 SUBCHAPTER E

12 GENERAL PROVISIONS

13 Sec.

14 5951. State guarantee.

15 5952. State supervision.

16 5953. Exemption from execution.

17 5954. Fraud and adjustment of errors.

18 5955. Construction of code.

19 5956. Provisions severable.

20 § 5951. State guarantee.

21 Statutory interest charges payable, the maintenance of
22 reserves in the fund, and the payment of all annuities and other
23 benefits granted by the board under the provisions of this code
24 are hereby made obligations of the Commonwealth. All income,
25 interest, and dividends derived from deposits and investments
26 authorized by this code shall be used for the payment of the
27 said obligations of the Commonwealth.

28 § 5952. State supervision.

29 The fund and ledger accounts provided for by this code shall
30 be subject to the supervision of the State Insurance Department.

1 § 5953. Exemption from execution.

2 The right of a person to any benefit or right accrued or
3 accruing under the provisions of this code and the moneys in the
4 fund are hereby exempt from any State or municipal tax, levy and
5 sale, garnishment, attachment, spouse's election, or any other
6 process whatsoever, and shall be unassignable except in the case
7 of a member who is terminating State service and has been
8 determined to be obligated to the Commonwealth for the repayment
9 of money. After certification by the head of the department that
10 a member is so obligated, and certification of the amount
11 thereof, and after review and approval by the department or
12 agency's legal representative and upon receipt of an assignment
13 from the member in the amount so certified, the board shall be
14 authorized to pay from the fund the amount so certified and
15 assigned to the appropriate fiscal officer of the certifying
16 department or agency.

17 § 5954. Fraud and adjustment of errors.

18 Any person who shall knowingly make any false statement or
19 shall falsify or permit to be falsified any record or records of
20 this system in any attempt to defraud the system as a result of
21 such act shall be guilty of a misdemeanor and subject to
22 prosecution under the provisions of section 328 of "The Penal
23 Code," act of June 24, 1939 (No. 375). Should such change or
24 mistake in records result in any member, beneficiary or survivor
25 annuitant receiving from the system more or less than he would
26 have been entitled to receive had the records been correct, then
27 on the discovery of any such error, the board shall correct such
28 error and so far as practicable shall adjust the payments which
29 may be made for and to such person in such a manner that the
30 actuarial equivalent of the benefit to which he was correctly

1 entitled shall be paid.

2 § 5955. Construction of code.

3 The provisions of this code insofar as they are the same as
4 those of existing law are intended as a continuation of such
5 laws and not as new enactments. The provisions of this code
6 shall not affect any act done, liability incurred, right accrued
7 or vested, or any suit or prosecution pending or to be
8 instituted to enforce any right or penalty or to punish any
9 offense under the authority of any repealed laws.

10 § 5956. Provisions severable.

11 The provisions of this code are severable and if any of its
12 provisions shall be held to be unconstitutional, the decision of
13 the court shall not affect or impair any of the remaining
14 provisions. It is hereby declared to be the legislative intent
15 that this code would have been adopted had such unconstitutional
16 provisions not been included.

17 Section 2. Repeals.--(a) The following acts or parts of acts
18 are repealed absolutely.

19 Act of May 24, 1923 (P.L.436, No. 231), entitled "An act
20 relating to the retirement of certain officers and employes of
21 the State Government, and their compensation, including officers
22 and employes heretofore retired."

23 Act of June 27, 1923 (P.L.858, No. 331), entitled "An act
24 establishing a State employes' retirement system, and creating a
25 retirement board for the administration thereof; establishing
26 certain funds from contributions by the Commonwealth and
27 contributing State employes, defining the uses and purposes
28 thereof and the manner of payments therefrom, and providing for
29 the guaranty by the Commonwealth of certain of said funds;
30 imposing powers and duties upon the heads of departments in

1 which State employes serve; excepting annuities, allowances,
2 returns, benefits, and rights from taxation and judicial
3 process; and providing penalties."

4 Act of July 3, 1941 (P.L.244, No. 116), entitled "A
5 supplement to the act, approved the twenty-seventh day of June,
6 one thousand nine hundred twenty-three (Pamphlet Laws, eight
7 hundred fifty-eight), as amended, entitled 'An act establishing
8 a State employes' retirement system, and creating a retirement
9 board for the administration thereof; establishing certain funds
10 from contributions by the Commonwealth and contributing State
11 employes, defining the uses and purposes thereof and the manner
12 of payments therefrom, and providing for the guaranty by the
13 Commonwealth of certain said funds; imposing powers and duties
14 upon the heads of departments in which State employes serve;
15 excepting annuities, allowances, returns, benefits, and rights
16 from taxation and judicial process; and providing penalties.'"

17 Act of May 23, 1945 (P.L.930, No. 370), entitled "An act to
18 amend sections three, four and five, and to repeal sections six,
19 seven, eight, nine and ten, of a supplementary act, approved the
20 third day of July, one thousand nine hundred forty-one (Pamphlet
21 Laws, two hundred forty-four), entitled 'A supplement to the
22 act, approved the twenty-seventh day of June, one thousand nine
23 hundred twenty-three (Pamphlet Laws, eight hundred fifty-eight),
24 as amended, entitled, "An act establishing a State employes'
25 retirement system, and creating a retirement board for the
26 administration thereof; establishing certain funds from
27 contributions by the Commonwealth and contributing State
28 employes, defining the uses and purposes thereof and the manner
29 of payments therefrom, and providing for the guaranty by the
30 Commonwealth of certain of said funds; imposing powers and

1 duties upon the heads of departments in which State employes
2 serve; excepting annuities, allowances, returns, benefits, and
3 rights from taxation and judicial process; and providing
4 penalties,"' by extending the time of State employes to rejoin
5 the State employes' retirement association after completion of
6 active military service; and removing the requirement for a
7 physical examination in certain cases."

8 Act of May 31, 1947 (P.L.377, No. 172), entitled "A
9 supplement to the act, approved the twenty-seventh day of June,
10 one thousand nine hundred twenty-three (Pamphlet Laws 858),
11 entitled 'An act establishing a State employes' retirement
12 system, and creating a retirement board for the administration
13 thereof; establishing certain funds from contributions by the
14 Commonwealth and contributing State employes, defining the uses
15 and purposes thereof and the manner of payments therefrom, and
16 providing for the guaranty by the Commonwealth of certain of
17 said funds; imposing powers and duties upon the heads of
18 departments in which State employes serve; excepting annuities,
19 allowances, returns, benefits, and rights from taxation and
20 judicial process; and providing penalties,' permitting certain
21 State employes, who during the war were loaned to the United
22 States Government and who have now returned to State employment,
23 to pay into the retirement fund the amount of the contributions
24 they would have made during such period, with interest, and
25 prescribing how the Commonwealth shall build up the necessary
26 State annuity reserves."

27 Act of August 16, 1951 (P.L.1240, No. 286), entitled "A
28 supplement to the act, approved the twenty-seventh day of June,
29 one thousand nine hundred twenty-three (Pamphlet Laws 858),
30 entitled 'An act establishing a State employes' retirement

1 system, and creating a retirement board for the administration
2 thereof; establishing certain funds from contributions by the
3 Commonwealth and contributing State employees, defining the uses
4 and purposes thereof and the manner of payments therefrom, and
5 providing for the guaranty by the Commonwealth of certain of
6 said funds; imposing powers and duties upon the heads of
7 departments in which State employees serve; excepting annuities,
8 allowances, returns, benefits, and rights from taxation and
9 judicial process; and providing penalties,' by permitting
10 certain members to obtain credit for military service who were
11 not eligible members at time of entry into military service."

12 Act of August 19, 1953 (P.L.1098, No. 295), entitled "A
13 supplement to the act, approved the twenty-seventh day of June,
14 one thousand nine hundred twenty-three (Pamphlet Laws 858),
15 entitled 'An act establishing a State employees' retirement
16 system, and creating a retirement board for the administration
17 thereof; establishing certain funds from contributions by the
18 Commonwealth and contributing State employees, defining the uses
19 and purposes thereof and the manner of payments therefrom, and
20 providing for the guaranty by the Commonwealth of certain of
21 said funds; imposing powers and duties upon the heads of
22 departments in which State employees serve; excepting annuities,
23 allowances, returns, benefits, and rights from taxation and
24 judicial process; and providing penalties,' by permitting any
25 State employee, as a contributor under the provisions of the
26 State employees' retirement system, and who was an employee under
27 the public school system of the Commonwealth and made
28 contributions to the Public School Employees' Retirement Fund on
29 account of such public school service, to obtain credit for such
30 service in State employees' retirement system under certain

1 conditions."

2 Act of May 17, 1956 (P.L.1625, No. 540), entitled "A
3 supplement to the act, approved the twenty-seventh day of June,
4 one thousand nine hundred twenty-three (Pamphlet Laws 858),
5 entitled 'An act establishing a State employees' retirement
6 system, and creating a retirement board for the administration
7 thereof; establishing certain funds from contributions by the
8 Commonwealth and contributing State employees, defining the uses
9 and purposes thereof and the manner of payments therefrom and
10 providing for the guaranty by the Commonwealth of certain of
11 said funds; imposing powers and duties upon the heads of
12 departments in which State employees serve; excepting annuities,
13 allowances, returns, benefits, and rights from taxation and
14 judicial process; and providing penalties,' by permitting former
15 contributors who have become public school employees and members
16 of the Public School Employees' Retirement System to restore
17 membership in the State Employees' Retirement Association, and
18 authorizing the transfer of monetary credits in the State
19 Employees' Retirement Association to the Public School Employees'
20 Retirement Association under certain conditions."

21 Act of May 17, 1956 (P.L.1626, No. 542), entitled "An act
22 amending the act of May thirty-one, one thousand nine hundred
23 forty-seven (Pamphlet Laws 377), entitled 'A supplement to the
24 act, approved the twenty-seventh day of June one thousand nine
25 hundred twenty-three (Pamphlet Laws 858), entitled "An act
26 establishing a State employees' retirement system, and creating a
27 retirement board for the administration thereof; establishing
28 certain funds from contributions by the Commonwealth and
29 contributing State employees, defining the uses and purposes
30 thereof and the manner of payments therefrom, and providing for

1 the guaranty by the Commonwealth of certain of said funds;
2 imposing powers and duties upon the heads of departments in
3 which State employes serve; excepting annuities, allowances,
4 returns, benefits, and rights from taxation and judicial
5 process; and providing penalties," permitting certain State
6 employes, who during the war were loaned to the United States
7 Government and who have now returned to State employment, to pay
8 into the retirement fund the amount of the contributions they
9 would have made during such period, with interest, and
10 prescribing how the Commonwealth shall build up the necessary
11 State annuity reserves,' providing for credit for time spent by
12 employes of the Bureau of Unemployment Security in the
13 Department of Labor and Industry as employes of the United
14 States Government."

15 Act of June 1, 1956 (P.L.2016, No. 674), entitled "A
16 supplement to the act approved the twenty-seventh day of June,
17 one thousand nine hundred twenty-three (Pamphlet Laws 858),
18 entitled 'An act establishing a State employes' retirement
19 system, and creating a retirement board for the administration
20 thereof; establishing certain funds from contributions by the
21 Commonwealth and contributing State employes, defining the uses
22 and purposes thereof and the manner of payments therefrom, and
23 providing for the guaranty by the Commonwealth of certain of
24 said funds; imposing powers and duties upon the heads of
25 departments in which State employes serve; excepting annuities,
26 allowances, returns, benefits, and rights from taxation and
27 judicial process; and providing penalties,' by permitting any
28 State employe as a contributor under the provisions of the State
29 employes' retirement system and who was an employe under the
30 public school system of the Commonwealth and made contributions

1 to the Public School Employees' Retirement Fund on account of
2 such public school service to obtain credit for such service in
3 the State employees' retirement system under certain conditions."

4 Act of June 14, 1957 (P.L.320, No. 168), entitled "A
5 supplement to the act of June 27, 1923 (P.L.858), entitled 'An
6 act establishing a State employees' retirement system, and
7 creating a retirement board for the administration thereof;
8 establishing certain funds from contributions by the
9 Commonwealth and contributing State employees, defining the uses
10 and purposes thereof and the manner of payments therefrom, and
11 providing for the guaranty by the Commonwealth of certain of
12 said funds; imposing powers and duties upon the heads of
13 departments in which State employees serve; excepting annuities,
14 allowances, returns, benefits, and rights from taxation and
15 judicial process; and providing penalties,' authorizing the
16 Public School Employees' Retirement Board to realow credit for
17 service of certain State and Pennsylvania State University
18 employees."

19 Act of June 29, 1937 (P.L.2423, No. 453), entitled, as
20 amended, "An act establishing a Pennsylvania State Police
21 Retirement System; providing for payments upon retirement,
22 death, disability, involuntary retirement, and of certain
23 medical expenses from the State Employees' Retirement Fund, under
24 the Administration of the State Employees' Retirement Board;
25 providing for contributions by members of the Pennsylvania State
26 Police and the Commonwealth; providing for the guarantee by the
27 Commonwealth of certain of said funds; providing for the
28 subrogation of the Commonwealth to the rights of the member or
29 dependents against certain third parties; exempting annuities,
30 allowances, returns, benefits, and rights from taxation and

1 judicial process; and providing penalties."

2 Act of July 3, 1941 (P.L.249, No. 117), entitled, as amended,
3 "A supplement to the act, approved the twenty-ninth day of June
4 one thousand nine hundred thirty-seven (Pamphlet Laws, two
5 thousand four hundred twenty-three), as amended, entitled 'An
6 act establishing a Pennsylvania State Police Retirement System;
7 providing for payments upon retirement, death, disability,
8 involuntary retirement, and of certain medical expenses from the
9 State Employees' Retirement Fund, under the Administration of the
10 State Employees' Retirement Board; providing for contributions by
11 members of the Pennsylvania State Police and the Commonwealth;
12 providing for the guarantee by the Commonwealth of certain of
13 said funds; providing for the subrogation of the Commonwealth to
14 the rights of the member or dependents against certain third
15 parties; exempting annuities, allowances, returns, benefits, and
16 rights from taxation and judicial process; and providing
17 penalties.'"

18 Act of May 22, 1945 (P.L.834, No. 336), entitled "An act to
19 amend section three, and to further amend sections four and five
20 of a supplementary act, approved the third day of July, one
21 thousand nine hundred forty-one (Pamphlet Laws, two hundred
22 forty-nine), entitled, as amended 'A supplement to the act,
23 approved the twenty-ninth day of June, one thousand nine hundred
24 thirty seven (Pamphlet Laws, two thousand four hundred twenty-
25 three), as amended, entitled "An act establishing a Pennsylvania
26 State Police Retirement System; providing for payments upon
27 retirement, death, disability, involuntary retirement, and of
28 certain medical expenses from the State Employees' Retirement
29 Fund, under the Administration of the State Employees' Retirement
30 Board; providing for contributions by members of the

1 Pennsylvania State Police and the Commonwealth; providing for
2 the guarantee by the Commonwealth of certain of said funds;
3 providing for the subrogation of the Commonwealth to the rights
4 of the member or dependents against certain third parties;
5 exempting annuities, allowances, returns, benefits, and rights
6 from taxation and judicial processes; and providing penalties."'
7 by extending the time for State employes to rejoin the State
8 Employees' Retirement Association after completion of active
9 military service; and removing the requirement for a physical
10 examination in certain cases."

11 Act of June 1, 1959 (P.L.392, No. 78), known as the "State
12 Employees' Retirement Code of 1959."

13 As much of section 202 of the act of April 9, 1929 (P.L.177,
14 No. 175), known as "The Administrative Code of 1929," as relates
15 to the State Employees Retirement Board in the Department of
16 State.

17 Section 402 of the act of April 9, 1929 (P.L.177, No. 175),
18 known as "The Administrative Code of 1929."

19 Section 808 of the act of April 9, 1929 (P.L.177, No. 175),
20 known as "The Administrative Code of 1929."

21 (b) All other acts or parts of acts inconsistent with the
22 act are hereby repealed to the extent of such inconsistency.

23 Section 3. Savings Clause.--In order to assure an orderly
24 transition, the following provisions of repealed law shall be
25 saved and applicable until the date specified:

26 (1) That provision of section 803 of the act of June 1,
27 1959 (No. 78), relating to the assignment of a member's right
28 to an annuity or return of contributions as security for
29 credit union loans and interest shall continue in effect with
30 respect to all loans made prior to July 1, 1973, but no such

rights shall thereafter be assignable.

(2) The rights provided in section 401(4) of the act of June 1, 1959 (No. 78), relating to additional retirement benefits for certain judges, shall continue to apply to those members of Class E or E-1 who have exercised the option therein contained prior to July 1, 1973.

(3) The provisions of section 301 of the act of June 1, 1959 (No. 78), relating to the contribution rate of a member shall be applicable until the first day of his first full pay period following the effective date of this act.

Section 4. Effective Date.--This act shall take effect immediately, except that in order to assure an orderly transition:

(1) Its provisions relating to the crediting of statutory interest to the accounts of members on leave without pay shall become effective on July 1, 1973.

(2) The provisions of section 5706(b), relating to the calculation of annuities of annuitants who return to State service and subsequently retire, shall not apply to former annuitants who are active members of the system on July 1, 1973.

SOURCE NOTES

(As Supplied by the Joint State Government Commission)

Part XXV of Title 71 is derived, unless new, in its entirety from the act of June 1, 1959 (P.L.392) which is the source of all references. Corresponding references in Purdon's Pennsylvania Statutes Annotated are in 71 Pa. S. § 1725-101 et seq.

71 Pa. S. § 5101: Derived from § 101.

71 Pa. S. § 5102: "Active member." New.

"Actuarially equivalent." Derived from § 102(23).

"Actuary." New.

"Annuitant." Derived from § 102(9).

"Average noncovered salary." Derived from § 102(19.1).

"Basic contribution rate." New.

"Beneficiary." Derived from § 102(10).

"Board." Derived from § 102(4).

"Class of service multiplier." Derived from §§ 202(1); (301(1)(a),(c),(d.3),(e.1),(e.2).

"Compensation." Derived from § 102(15) and the report of the Commonwealth Compensation Commission of June 22, 1972.

"Concurrent service." New.

"Creditable nonstate service." New.

"Credited service." Derived from § 102(13).

"Date of termination of service." New.

"Effective date of retirement." New.

"Eligibility points." New.

"Enforcement officer." Derived from § 102(6.1).

"Final average salary." Derived from § 102(19).

"Full coverage member." Derived from § 203(3).

"Fund." Derived from § 102(2)

"Head of department." Derived from § 102(7).

"Inactive member." New.

"Intervening military service." New.

"Joint coverage member." Derived from § 203(1).

"Joint coverage member contributions." New.

"Member." New.

"Member of the judiciary." New.

"Member's annuity." Derived from § 102(21).

"Military service." Derived from § 207(3).

"Multiple service." Derived from § 102(12.1).

"Previous State service." New.

"Public School Employees' Retirement System." Derived from § 102(5).

"Regular accumulated deductions." Derived from § 102(17).

"Regular member contributions." New.

"Retirement counselor." New.

"Salary deductions." Derived from § 102(16).

"School service." New.

"Social security integration accumulated deductions." Derived from § 102(17.1).

"Standard single life annuity." New.

"State employee." Derived from § 102(6)(a)(iii),(iv),(v),(vii),(viii),(ix).

(1) Derived from § 102(6)(a)(vi),(b).

(2) Derived from § 102(6)(d).

1 (3) Derived from § 102(6)(e).
 2 (4) Derived from § 102(6)(c).
 3 "State service." New.
 4 "Statutory interest." Derived from § 102(18).
 5 "Superannuation age." Derived from § 102(14).
 6 "Superannuation annuitant." New.
 7 "Survivor annuitant." New.
 8 "System." Derived from § 102(1).
 9 "Total accumulated deductions." Derived from §
 10 102(17),(17.1).
 11 "Vestee." Derived from § 102(23.1).

 12 71 Pa. S. § 5301: (a) Derived from §§ 102(6); 201(1),(3).
 13 (b) Derived from §§ 201(2),(3); 301(2)(f).
 14 (c) Derived from § 201(2).

 15 71 Pa. S. § 5302: Derived from §§ 204(1); 208(1),(2).

 16 71 Pa. S. § 5303: Derived from §§
 17 204(2),(2.1),(3),(4),(5),(5.1),(5.2),(5.3),(6),(6.1),(6.2);
 18 208(1),(2).

 19 71 Pa. S. § 5304: (a) Derived from §§
 20 204(4),(5),(5.1),(5.2),(5.3),(6),(6.1),(6.2);
 21 207(1),(2),(4),(5).
 22 (b) Derived from §§
 23 204(4),(5),(5.1),(5.2),(5.3),(6),(6.1),(6.2);
 24 207(1),(2),(4),(5).
 25 (c) (1) Derived from § 207(2).
 26 (2) Derived from § 207(1),(4),(5).
 27 (3) Derived from § 204(6.2).
 28 (4) Derived from §
 29 204(4),(5),(5.1),(5.2),(5.3),(6),(6.1).

 30 71 Pa. S. § 5305: Derived from §§ 204(8); 208(4).

 31 71 Pa. S. § 5306: (a) New.
 32 (b) Derived from § 202(1)(a).
 33 (1) Derived from § 202(1)(c).
 34 (2) Derived from § 202(1)(d.3).
 35 (3) Derived from § 202(1)(e.1).
 36 (4) Derived from § 202(1)(e.2).
 37 (5) New.

 38 71 Pa. S. § 5307: Derived from § 402(2.1).

 39 71 Pa. S. § 5308: (a) Derived from § 401(1).
 40 (b) Derived from § 402 (2),(2.1).
 41 (c) Derived from § 405(1),(3.1).

 42 71 Pa. S. § 5309: Derived from §§ 102(23.1); 401(5),(7).

 43 71 Pa. S. § 5310: Derived from § 407(2),(3),(4).

 44 71 Pa. S. § 5311: Derived from § 404(1)(b).

 45 71 Pa. S. § 5501: Derived from §
 46 301(1)(a),(c),(d.3),(e.1),(e.2).

1 71 Pa. S. § 5502: Derived from § 301(6).

2 71 Pa. S. § 5503: Derived from § 301(4).

3 71 Pa. S. § 5504: Derived from §§ 208(1),(2),(4);

4 302(1),(2),(3).

5 71 Pa. S. § 5505: (a) Derived from §§ 301(3); 302(1),(2).

6 (b) Derived from § 302(2)(k).

7 (c) Derived from §§ 301(3), 302(2)(j).

8 (d) Derived from § 302(2)(h.1).

9 (e) Derived from § 506(4.5).

10 71 Pa. S. § 5506: Derived from §§ 204(6.2); 208(3),(5);

11 302(1).

12 71 Pa. S. § 5507: (a) Derived from § 304(1)(a),(2).

13 (b) Derived from § 304(1)(b),(3).

14 71 Pa. S. § 5508: (a), (b), (c) Derived from § 304(1)(a).

15 (d) Derived from § 304(2).

16 (e) Derived from § 304(1)(b),(3).

17 71 Pa. S. § 5509: (a), (b) Derived from § 306(1).

18 (c) Derived from § 306(2).

19 71 Pa. S. § 5701: Derived from §§ 402(1)(a); 404(1)(b).

20 71 Pa. S. § 5702: (a) Derived from § 401(1).

21 (1) through (5). Derived from §§

22 401(1)(a),(b),(c),(d),(d.1),(d.2),(d.3),(e),(e.1),(e.2),(1.1),(6);

23 402(2),(2.1),(4),(5).

24 (6) Derived from §§ 401(8); 402(6).

25 (b) Derived from § 401(2.1).

26 (c) Derived from § 401(1)(d.3).

27 71 Pa. S. § 5703: (a) Derived from §§ 401(3); 402(4);

28 403(1)(a),(e).

29 (1) Derived from § 403(1)(a).

30 (2) Derived from § 403(1)(b),(c),(d),(f),(g).

31 (3) Derived from § 403(1)(i).

32 (b) Derived from § 403(2).

33 71 Pa. S. § 5704: (a) Derived from § 405(1)(a),(b).

34 (b) Derived from § 405(6).

35 (c) Derived from § 405(4).

36 (d) Derived from § 405(4).

37 (e) New.

38 71 Pa. S. § 5705: (a) Derived from §§ 401(5),(7);

39 404(1)(a),(b),(c).

40 (1) Derived from § 404(1)(c), Option 1.

41 (2) Derived from § 404(1)(c), Option 2.

42 (3) Derived from § 404(1)(c), Option 3.

43 (4) Derived from § 404(1)(c), Option 4.

44 (b) Derived from § 404(2).

45 71 Pa. S. § 5706: (a) Derived from § 405.1(1).

46 (b) Derived from § 405.1(2).

1 71 Pa. S. § 5707: (a) Derived from § 407(2),(3),(7).
2 (b) Derived from § 407(4).
3 (c) Derived from § 407(5).
4 (d) Derived from § 407(5).
5 (e) Derived from § 407(4.1).

6 71 Pa. S. § 5708: Derived from § 409(4),(5).

7 71 Pa. S. § 5709: (a) Derived from § 410.
8 (b) Derived from § 404(1)(c), Option 1.
9 (c) New.

10 71 Pa. S. § 5710: Derived from § 412.

11 71 Pa. S. § 5901: (a) Derived from § 501(1).
12 (b) Derived from § 501(1).
13 (c) Derived from § 501(2).
14 (d) New.
15 (e) Derived from § 501(6).

16 71 Pa. S. § 5902: (a) Derived from § 501(5).
17 (b) Derived from § 501(4).
18 (c) Derived from § 501(3).
19 (d) New.
20 (e) Derived from § 503(10).
21 (f) Derived from § 503(11).
22 (g) New.
23 (h) Derived from § 503(1).
24 (i) Derived from § 503(2).
25 (j) Derived from § 503(3)(a),(b).
26 (k) Derived from §§ 306(1); 503(3)(c),(4).
27 (l) Derived from § 505.
28 (m) Derived from § 503(5).

29 71 Pa. S. § 5903: (a) New.
30 (b) Derived from § 503(9).
31 (c) Derived from §
32 503(6.1),(6.2),(6.3),(9.2),(9.7),(9.9).
33 (d) Derived from § 503(9.2),(9.9).

34 71 Pa. S. § 5904: (a) New.
35 (b) Derived from § 503(9.1).
36 (c) Derived from § 503(8.2),(8.3).

37 71 Pa. S. § 5905: (a) Derived from § 503(6),
38 (6.1),(6.2),(6.3),(9.7),(9.9).
39 (b) Derived from § 503(8.1).
40 (c) Derived from § 503(7),(8).
41 (d) New.
42 (e) New.
43 (f) New.
44 (g) New.
45 (h) Derived from § 503(9.4).
46 (i) Derived from § 503(9.6).

47 71 Pa. S. § 5906: (a) Derived from § 504(3).
48 (b) Derived from § 504(4).
49 (c) Derived from §§ 301(1); 504(5).
50 (d) Derived from § 504(1).

1 (e) Derived from § 504(2).
2 (f) New.
3 (g) Derived from § 504(7).
4 (h) New.
5 (i) Derived from § 504(6).
6 (j) Derived from § 504(8),(9).
7 (k) New.

8 71 Pa. S. § 5907: (a) Derived from § 506(5).
9 (b) Derived from §§ 201(3); 506(13).
10 (c) Derived from § 506(14).
11 (d) Derived from § 506(5).
12 (e) Derived from §
13 506(4.1),(4.2),(4.4),(4.5),(10),(10.1),(12).
14 (f) Derived from § 411.
15 (g) Derived from § 506(1),(1.1),(11),(12).
16 (h) Derived from § 506(1).
17 (i) Derived from § 506(1).
18 (j) Derived from § 506(1).
19 (k) Derived from § 411.
20 (l) Derived from § 506(2).

21 71 Pa. S. § 5908: (a) Derived from §§ 302(4); 506(4.3).
22 (b) Derived from § 506(3).
23 (c) Derived from §§ 506(4); 507

24 71 Pa. S. § 5931: (a) Derived from § 502(1).
25 (b) Derived from § 502(2).
26 (c) Derived from § 502(3).
27 (d) Derived from § 502(4).
28 (e) Derived from § 502(6).
29 (f) Derived from § 502(7).
30 (g) Derived from § 502(5).
31 (h) Derived from § 502(8).
32 (i) Derived from § 502(8).
33 (j) Derived from § 502(8).

34 71 Pa. S. § 5932: Derived from § 602.

35 71 Pa. S. § 5933: Derived from §§ 607; 611.

36 71 Pa. S. § 5934: Derived from § 603.

37 71 Pa. S. § 5935: Derived from §§ 604; 608.

38 71 Pa. S. § 5936: Derived from §§ 606; 609.

39 71 Pa. S. § 5937: Derived from §§ 606.1; 608.

40 71 Pa. S. § 5938: Derived from § 610.

41 71 Pa. S. § 5939: New.

42 71 Pa. S. § 5951: Derived from § 801.

43 71 Pa. S. § 5952: Derived from § 802.

44 71 Pa. S. § 5953: Derived from § 803.

- 1 71 Pa. S. § 5954: Derived from § 805.
- 2 71 Pa. S. § 5955: Derived from § 806.
- 3 71 Pa. S. § 5956: Derived from § 807.