
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1042 Session of
2007

INTRODUCED BY NICKOL, ARGALL, BASTIAN, BENNINGHOFF, BOYD,
CAPPELLI, CLYMER, CREIGHTON, CUTLER, DePASQUALE, FAIRCHILD,
FLECK, GILLESPIE, GINGRICH, HARRIS, HERSHEY, HICKERNELL,
KAUFFMAN, KING, KIRKLAND, KOTIK, MACKERETH, MARSICO, MENSCH,
MUNDY, MUSTIO, NAILOR, PETRI, PHILLIPS, PICKETT, PYLE, RAPP,
REED, REICHLEY, ROAE, ROSS, RUBLEY, SCHRODER, SIPTROTH,
SONNEY, STEIL, STERN, R. STEVENSON, SWANGER, TRUE,
VULAKOVICH, WATSON AND YUDICHAK, APRIL 10, 2007

REFERRED TO COMMITTEE ON FINANCE, APRIL 10, 2007

AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania
2 Consolidated Statutes, further providing for definitions, for
3 classes of service and for superannuation age for members of
4 the General Assembly.

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

7 Section 1. The definition of "superannuation age" in section
8 5102 of Title 71 of the Pennsylvania Consolidated Statutes is
9 amended to read:

10 § 5102. Definitions.

11 The following words and phrases as used in this part, unless
12 a different meaning is plainly required by the context, shall
13 have the following meanings:

14 * * *

15 "Superannuation age." Any age upon accrual of 35 eligibility
16 points or age 60, except for [a member of the General Assembly,]

1 an enforcement officer, a correction officer, a psychiatric
2 security aide, a Delaware River Port Authority policeman or an
3 officer of the Pennsylvania State Police, age 50, and, except
4 for a member with Class G, Class H, Class I, Class J, Class K,
5 Class L, Class M or Class N service, age 55 upon accrual of 20
6 eligibility points[.] and except for members of the General
7 Assembly as provided in section 5308.3 (relating to
8 superannuation age for members of General Assembly).

9 * * *

10 Section 2. Section 5306(a), (a.1)(1) and (a.2) of Title 71
11 are amended to read:

12 § 5306. Classes of service.

13 (a) Class A membership.--A State employee who is a member of
14 Class A on the effective date of this part or who becomes a
15 member of the system subsequent to the effective date of this
16 part shall be classified as a Class A member and receive credit
17 for Class A service upon payment of regular and additional
18 member contributions for Class A service, provided that the
19 State employee does not become a member of Class AA pursuant to
20 subsection (a.1) or (a.2) or a member of Class D-4 pursuant to
21 subsection (a.2).

22 (a.1) Class AA membership.--

23 (1) A person who becomes a State employee and an active
24 member of the system after June 30, 2001, and who is not a
25 State police officer or a member of the General Assembly and
26 not employed in a position for which a class of service other
27 than Class A is credited or could be elected shall be
28 classified as a Class AA member and receive credit for Class
29 AA State service upon payment of regular member contributions
30 for Class AA service and, subject to the limitations

1 contained in paragraph (7), if previously a member of Class A
2 or previously employed in a position for which Class A
3 service could have been earned, shall have all Class A State
4 service (other than State service performed as a State police
5 officer or for which a class of service other than Class A
6 was earned or could have been elected) classified as Class AA
7 service.

8 * * *

9 (a.2) Class of membership for members of the General
10 Assembly.--

11 (1) [A] Except as provided in paragraph (4), a person
12 who:

13 (i) becomes a member of the General Assembly and an
14 active member of the system after June 30, 2001, and
15 before January 1, 2008; or

16 (ii) is a member of the General Assembly on July 1,
17 2001, but is not an active member of the system because
18 membership in the system is optional pursuant to section
19 5301 and who becomes an active member after June 30,
20 2001, and before January 1, 2008;

21 and who was not a State police officer on or after July 1,
22 1989, shall be classified as a Class D-4 member and receive
23 credit as a Class D-4 member for all State service as a
24 member of the General Assembly upon payment of regular member
25 contributions for Class D-4 service and, subject to the
26 limitations contained in subsection (a.1)(7), if previously a
27 member of Class A or employed in a position for which Class A
28 service could have been earned, shall receive Class AA
29 service credit for all Class A State service, other than
30 State service performed as a State police officer or for

1 which a class of service other than Class A or Class D-4 was
2 or could have been elected or credited.

3 (2) Provided an election to become a Class D-4 member is
4 made pursuant to section 5306.2 (relating to elections by
5 members of the General Assembly), a State employee who was
6 not a State police officer on or after July 1, 1989, who on
7 July 1, 2001, is a member of the General Assembly and an
8 active member of the system and not a member of Class D-3
9 shall be classified as a Class D-4 member and receive credit
10 as a Class D-4 member for all State service performed as a
11 member of the General Assembly not credited as another class
12 other than Class A upon payment of regular member
13 contributions for Class D-4 service and, subject to the
14 limitations contained in paragraph (a.1)(7), shall receive
15 Class AA service credit for all Class A State service, other
16 than State service performed as a State police officer or as
17 a State employee in a position in which the member could have
18 elected a class of service other than Class A, performed
19 before July 1, 2001.

20 (3) A member of the General Assembly who after June 30,
21 2001, becomes a State police officer shall retain any Class
22 AA service or Class D-4 service credited prior to becoming a
23 State police officer or being so employed but shall be
24 ineligible to receive Class AA or Class D-4 credit thereafter
25 and instead shall receive Class A credit.

26 (4) A person who is a member of the General Assembly on
27 December 31, 2007, and continues as a member of the General
28 Assembly after December 31, 2007, shall retain the class of
29 service credited prior to the effective date of this part and
30 shall receive credit as such class of service member for all

1 service as a member of the General Assembly for as long as
2 the person continuously serves as a member of the General
3 Assembly. A person who becomes a member of the General
4 Assembly after December 31, 2007, and is or becomes a member
5 of the system shall be classified as a Class AA member and
6 shall receive credit as a Class AA member for all future
7 service as a member of the General Assembly.

8 * * *

9 Section 3. Title 71 is amended by adding a section to read:

10 § 5308.3. Superannuation age for members of General Assembly.

11 (a) Service prior to end of 2006-2007 fiscal year.--

12 Superannuation age for members of the General Assembly who are
13 or were members of the General Assembly and members of the
14 system on or prior to June 30, 2007, shall be age 50 for all
15 legislative service performed on or prior to June 30, 2007, and
16 continuously from June 30, 2007.

17 (b) Service after end of 2006-2007 fiscal year.--

18 Superannuation age for members of the General Assembly who
19 become members of the General Assembly for the first time, or
20 who, after a break in legislative service, return to service as
21 a member of the General Assembly after June 30, 2007, shall be
22 any age upon accrual of 35 eligibility points or age 60 for all
23 legislative service, except as otherwise provided in subsection
24 (a).

25 Section 4. This act shall be construed and administered in
26 such manner that the State Employees' Retirement System will
27 satisfy the requirements necessary to qualify as a qualified
28 pension plan under section 415 of the Internal Revenue Code of
29 1986 (Public Law 99-514, 26 U.S.C. § 415).

30 Section 5. Nothing in this act shall be construed or deemed

1 to imply that, but for the expressed applications of the
2 limitations on benefits under section 401(a) or 415 of the
3 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
4 401 or 415), those limitations would not otherwise apply to
5 members of the State Employees' Retirement System and the
6 benefits payable pursuant to 71 Pa.C.S. Pt. XXV.

7 Section 6. This act shall take effect as follows:

8 (1) The following provisions shall take effect June 30,
9 2007:

10 (i) The amendment of the definition "superannuation
11 age" in 71 Pa.C.S. § 5102.

12 (ii) The addition of 71 Pa.C.S. § 5308.3.

13 (2) The amendment of 71 Pa.C.S. § 5306(a), (a.1)(1) and
14 (a.2) shall take effect December 30, 2007.

15 (3) The remainder of this act shall take effect
16 immediately.