
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 793

Session of
1981

INTRODUCED BY RYAN, CESSAR, HAYES, SIRIANNI, IRVIS AND SPENCER,
MARCH 10, 1981

SENATOR O'CONNELL, STATE GOVERNMENT, IN SENATE, AS AMENDED,
JUNE 16, 1981

AN ACT

1 Amending Titles 24 (Education) and 71 (State Government) of the
2 Pennsylvania Consolidated Statutes, revising provisions
3 relating to retirement for public school employees and State
4 employees.

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

7 Section 1. Subsection (a) of section 8346 AND SUBSECTION (E) <—
8 OF SECTION 8348 of Title 24, act of November 25, 1970 (P.L.707,
9 No.230), known as the Pennsylvania Consolidated Statutes, ~~is~~ ARE <—
10 amended to read:

11 § 8346. Termination of annuities.

12 (a) General rule.--If an annuitant returns to school service
13 or enters State service and elects multiple service membership,
14 any annuity payable to him under this part shall cease and in
15 the case of an annuity other than a disability annuity the
16 present value of such annuity, adjusted for full coverage in the
17 case of a joint coverage member who makes the appropriate back

1 contributions for full coverage, shall be frozen as of the date
2 such annuity ceases. In the event that the cost-of-living
3 increase enacted December 18, 1979 occurred during the period of
4 such State or school employment, the frozen present value shall
5 be increased, on or after the member attains superannuation age,
6 by the percent applicable had he not returned to service.

7 * * *

8 § 8348. SUPPLEMENTAL ANNUITIES. <—

9 * * *

10 (E) SUPPLEMENT ENACTED AFTER DEATH OF MEMBER.--NO SUPPLEMENT
11 ENACTED AFTER THE DEATH OF THE MEMBER SHALL BE PAYABLE TO THE
12 BENEFICIARY OR SURVIVOR ANNUITANT OF SUCH DECEASED FORMER SCHOOL
13 EMPLOYEE, EXCEPT WHEN THE EFFECTIVE DATE OF THE SUPPLEMENT SHALL
14 PREDATE THE DEATH OF THE MEMBER BY VIRTUE OF RETROACTIVITY OF
15 THE SUPPLEMENT.

16 Section 2. Subsection (a) of section 5706 AND SUBSECTION (C) <—
17 OF SECTION 5708 of Title 71 ~~is~~ ARE amended to read: <—

18 § 5706. Termination of annuities.

19 (a) General rule.--If the annuitant returns to State service
20 or enters school service and elects multiple service membership,
21 any annuity payable to him under this part shall cease and in
22 the case of an annuity other than a disability annuity the
23 present value of such annuity, adjusted for full coverage in the
24 case of a joint coverage member who makes the appropriate back
25 contributions for full coverage, shall be frozen as of the date
26 such annuity ceases. In the event that the cost-of-living
27 increase enacted December 18, 1979 occurred during the period of
28 such State or school employment, the frozen present value shall
29 be increased, on or after the member attains superannuation age,
30 by the percent applicable had he not returned to service[:]

1 Provided, however, That this provision]. This subsection shall
2 not apply in the case of any annuitant who may render services
3 to the Commonwealth in the capacity of an independent
4 contractor.

5 * * *

6 § 5708. SUPPLEMENTAL ANNUITIES. <—

7 * * *

8 (C) SUPPLEMENT ENACTED AFTER DEATH OF MEMBER.--NO COST-OF-
9 LIVING SUPPLEMENT ENACTED AFTER THE DEATH OF THE MEMBER SHALL BE
10 PAYABLE TO THE BENEFICIARY OR SURVIVOR ANNUITANT OF SUCH
11 DECEASED FORMER STATE EMPLOYEE, EXCEPT WHEN THE EFFECTIVE DATE
12 OF THE SUPPLEMENT SHALL PREDATE THE DEATH OF THE MEMBER BY
13 VIRTUE OF RETROACTIVITY OF THE SUPPLEMENT.

14 * * *

15 Section 3. (A) This act shall take effect immediately and <—
16 the provision of section 1 AMENDING SECTION 8346 shall apply to <—
17 all annuitants who returned to service after October 2, 1975,
18 and section 2 AMENDING SECTION 5706(A) shall apply to all <—
19 annuitants who returned to service after March 1, 1974.

20 (B) THE PROVISIONS OF SECTION 1 AMENDING SECTION 8348(E) OF <—
21 SECTION 2 AMENDING SECTION 5708(C) SHALL TAKE EFFECT IMMEDIATELY
22 AND BE RETROACTIVE TO JULY 1, 1979.