
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 3

Session of
1999

INTRODUCED BY JUBELIRER, MELLOW, LOEPER, BELL, BRIGHTBILL,
PICCOLA, KUKOVICH, BODACK, SCHWARTZ, MOWERY, ROBBINS,
LEMMOND, WOZNIAK, BOSCOLA AND CONTI, MARCH 10, 1999

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 15, 1999

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 71
2 (State Government) of the Pennsylvania Consolidated Statutes,
3 FURTHER PROVIDING FOR SEATS OF COURTS AND FOR LOCAL CHAMBER ←—
4 FACILITIES; providing for county-level court administrators
5 and for the transfer of accumulated annual leave and sick
6 leave of certain county administrators transferred to the
7 State judicial personnel system; establishing the Unified
8 Judicial System Transferred County-Level Administrator Leave
9 Fund; requiring certain county payments; requiring periodic
10 reports; providing for the transfer of county-level court
11 administrators to the State Employees' Retirement System; and
12 making a repeal.

13 Pursuant to the Judiciary Article of the Constitution of
14 Pennsylvania and its establishment of the Unified Judicial
15 System and consistent with the authority of the General Assembly
16 regarding expenditure of Commonwealth funds pursuant to Article
17 III, Section 24, and while otherwise expressly reserving its
18 appropriation and other legislative authority as to the funding
19 of the Unified Judicial System, it is the intent of the General
20 Assembly to facilitate the administration of the Unified
21 Judicial System by providing for inclusion of key designated

1 county-level court administrators and their designated deputies,
2 associates and assistant administrators and special courts
3 administrators within the State judicial personnel system and
4 for their compensation by the Commonwealth.

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

7 ~~Section 1. Title 42 of the Pennsylvania Consolidated~~ <—
8 ~~Statutes is amended by adding a section to read:~~

9 SECTION 1. SECTIONS 504, 543 AND 563(B) OF TITLE 42 OF THE <—
10 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

11 § 504. SEAT OF COURT.

12 [THE] (A) REGULAR SESSIONS.--IN ORDER TO FACILITATE THE
13 ADMINISTRATION OF THE UNIFIED JUDICIAL SYSTEM, THE REGULAR
14 SESSIONS OF THE SUPREME COURT SHALL BE HELD IN [THE FACILITY
15 SPECIFIED IN SECTION 3701 (RELATING TO PENNSYLVANIA JUDICIAL
16 CENTER)] HARRISBURG AND ELSEWHERE AS [PRESCRIBED BY GENERAL
17 RULE.] PROVIDED IN SUBSECTION (B).

18 (B) OTHER SESSIONS.--WITHIN THE LIMITS OF AVAILABLE
19 APPROPRIATIONS, SPECIAL SESSIONS OF THE COURT MAY BE HELD FROM
20 TIME TO TIME FOR THE CONVENIENCE OF PARTIES OR WITNESSES, OR
21 BOTH, IN THE INTEREST OF JUSTICE, IN SUCH JUDICIAL DISTRICTS OF
22 THIS COMMONWEALTH AS MAKE AVAILABLE WITHOUT COST TO THE
23 COMMONWEALTH SUITABLE COURTROOM AND RELATED PHYSICAL FACILITIES.

24 § 543. SEAT OF COURT.

25 [THE] (A) REGULAR SESSIONS.--IN ORDER TO FACILITATE THE
26 ADMINISTRATION OF THE UNIFIED JUDICIAL SYSTEM, THE REGULAR
27 SESSIONS OF THE SUPERIOR COURT SHALL BE HELD AT THE [CITIES]
28 CITY OF HARRISBURG[, PHILADELPHIA AND PITTSBURGH] AND ELSEWHERE
29 AS [PRESCRIBED BY GENERAL RULE OR RULE OF COURT.] PROVIDED IN
30 SUBSECTION (B).

1 (B) OTHER SESSIONS.--WITHIN THE LIMITS OF AVAILABLE
2 APPROPRIATIONS, SPECIAL SESSIONS OF THE COURT MAY BE HELD FROM
3 TIME TO TIME FOR THE CONVENIENCE OF PARTIES OR WITNESSES, OR
4 BOTH, IN THE INTEREST OF JUSTICE, IN SUCH JUDICIAL DISTRICTS OF
5 THIS COMMONWEALTH AS MAKE AVAILABLE WITHOUT COST TO THE
6 COMMONWEALTH SUITABLE COURTROOM AND RELATED PHYSICAL FACILITIES.

7 § 563. SEAT OF COURT.

8 * * *

9 (B) OTHER SESSIONS.--WITHIN THE LIMITS OF AVAILABLE
10 APPROPRIATIONS, SPECIAL SESSIONS OF THE COURT MAY BE HELD FROM
11 TIME TO TIME FOR THE CONVENIENCE OF PARTIES OR WITNESSES, OR
12 BOTH, IN THE INTEREST OF JUSTICE, IN SUCH JUDICIAL DISTRICTS OF
13 THIS COMMONWEALTH AS MAKE AVAILABLE WITHOUT COST TO THE
14 COMMONWEALTH SUITABLE COURTROOM AND RELATED PHYSICAL FACILITIES.

15 [THE COURT SHALL ALSO SIT IN THE CITIES OF PHILADELPHIA AND
16 PITTSBURGH.]

17 SECTION 1.1. TITLE 42 IS AMENDED BY ADDING A SECTION TO
18 READ:

19 § 1905. County-level court administrators.

20 (a) Transition.--Effective on a date established by the
21 Supreme Court, the offices of district court administrators,
22 deputy court administrators, special courts administrators,
23 associate and assistant court administrators and similar
24 positions as currently designated by the Administrative Office
25 of Pennsylvania Courts upon the advice of the respective
26 president judges of the courts of common pleas shall be included
27 within the State judicial personnel system and the individuals
28 holding such offices shall be compensated by the Commonwealth
29 through the Administrative Office of Pennsylvania Courts from
30 funds appropriated for such purpose. On the established date,

1 individuals holding such offices shall become State employees;
2 and their status as employees of the respective counties shall
3 cease.

4 (b) Compensation.--The Administrative Office of Pennsylvania
5 Courts shall establish salaries and other compensation for those
6 individuals entering the State judicial personnel system
7 pursuant to subsection (a).

8 (c) Compensation plan.--The Administrative Office of
9 Pennsylvania Courts, with the approval of the Supreme Court,
10 shall, consistent with section 1724 (relating to personnel of
11 the system), establish a plan for use on an ongoing basis for
12 compensation of those individuals entering the State judicial
13 personnel system pursuant to subsection (a) and their
14 successors.

15 (d) Vacancies.--

16 ~~(1) Unless the Supreme Court shall by rule otherwise~~ <—
17 ~~provide, if~~ IF a vacancy occurs in an office included in the <—
18 State judicial personnel system pursuant to subsection (a),
19 ~~the vacancy shall with the approval of the Court~~ <—
20 ~~Administrator of Pennsylvania~~ be filled by the president
21 judge or, in districts where there are administrative judges,
22 by the president judge after consultation with the
23 administrative judges.

24 (2) The Court Administrator of Pennsylvania, with the
25 approval of the Supreme Court, shall establish standards and
26 qualifications for individuals appointed to fill vacancies
27 under paragraph (1).

28 (e) Reports to appropriations committees.--Consistent with
29 the requirements of section 3531 (relating to budget
30 implementation data), the Court Administrator of Pennsylvania

1 shall make monthly reports to the Chairman and Minority Chairman
2 of the Appropriations Committee of the Senate and the Chairman
3 and Minority Chairman of the Appropriations Committee of the
4 House of Representatives of expenditures for compensation and
5 related expenditures for individuals who are compensated by the
6 Commonwealth pursuant to this section.

7 Section 2. Chapter 23 of Title 42 is amended by adding a
8 subchapter heading and subchapters to read:

9 SUBCHAPTER A

10 GENERAL PROVISIONS

11 * * *

12 SUBCHAPTERS B THROUGH I (RESERVED)

13 SUBCHAPTER J

14 TRANSFERRED COUNTY-LEVEL COURT ADMINISTRATOR

15 LEAVE AND BENEFITS

16 Sec.

17 2391. Short title of subchapter.

18 2392. Definitions.

19 2393. Holidays.

20 2394. Sick leave and annual leave.

21 2395. Other leave.

22 2396. Leave following transfer.

23 2397. County payments for certain leave.

24 § 2391. Short title of subchapter.

25 This subchapter shall be known and may be cited as the
26 Unified Judicial System Transferred County-Level Administrator
27 Leave Benefit Act.

28 § 2392. Definitions.

29 The following words and phrases when used in this subchapter
30 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Date of transfer." The date established pursuant to section
3 1905 (relating to county-level court administrators) for
4 transfer of designated administrators from employment by their
5 employing county to employment by the State government of the
6 Commonwealth through the Administrative Office of Pennsylvania
7 Courts.

8 "Employing county." The county by which a designated
9 administrator is employed on the day immediately preceding the
10 designated administrator's date of transfer.

11 "Fund." The Unified Judicial System Transferred County-Level
12 Administrator Leave Fund established under section 2397
13 (relating to county payments for certain leave).

14 "State judicial personnel policies." Those personnel
15 policies and procedures established and amended by or through a
16 process created by the Pennsylvania Supreme Court and applicable
17 to personnel of the unified judicial system.

18 "Transferred administrator." Personnel designated under
19 section 1905 (relating to county-level court administrators).

20 "Unified judicial system." The various courts and offices
21 enumerated in Article V of the Constitution of Pennsylvania.

22 § 2393. Holidays.

23 On and after the date of transfer to the State judicial
24 personnel system, transferred administrators shall be eligible
25 for those paid holidays specified in State judicial personnel
26 policies.

27 § 2394. Sick leave and annual leave.

28 (a) Accrued sick leave and annual leave to be transferred.--
29 Subject to the provisions of subsection (b), sick leave and
30 annual leave accrued by a transferred administrator prior to the

1 date of transfer shall be transferred based upon the accrued
2 sick leave and annual leave balances credited to the transferred
3 administrator by the employing county as of the day immediately
4 preceding the transferred administrator's date of transfer.

5 (b) Accrued sick leave and annual leave to be credited.--
6 Credit for the sick leave and annual leave transferred under
7 subsection (a) shall not exceed the maximum amount permitted for
8 sick leave and annual leave carryover leave allowances from
9 calendar year to calendar year by State judicial personnel
10 policies in effect on the date of transfer. Accrued sick leave
11 or annual leave transferred under this section shall be used by
12 the transferred administrator only as a credit toward sick leave
13 or annual leave, as the case may be, to be taken in the future.
14 The sick leave or annual leave credited under this subsection
15 shall not, at the time of transfer, be reimbursed to the
16 transferred administrator in the form of a lump-sum payout or
17 other leave payout or in any other form which may be permitted
18 by the personnel policies of the employing county in effect on
19 the day immediately preceding the date of transfer. In the event
20 a transferred administrator has accrued leave that is eligible
21 for transfer and that under the employing county's personnel
22 policies in effect on the day immediately preceding the date of
23 transfer could be used by the transferred administrator as
24 either sick leave or annual leave, such leave shall be credited
25 to the transferred administrator with one-half of the leave
26 designated as sick leave and one-half of the leave designated as
27 annual leave.

28 (c) Excess leave.--Credit for accrued sick leave or annual
29 leave which exceeds the maximum allowed by subsection (b) shall
30 be subject to leave policies in effect in the employing county

1 on the day immediately preceding the date of transfer. Any lump-
2 sum payments or other sick leave payments or annual leave
3 payments made pursuant to this subsection are and shall remain
4 the financial responsibility of the employing county.

5 § 2395. Other leave.

6 With the exception of leave specified in section 2394
7 (relating to sick leave and annual leave), a transferred
8 administrator may receive a lump-sum payment or other payment
9 for other accrued leave as permitted by the personnel policies
10 of the employing county in effect on the day immediately
11 preceding the date of transfer. Any lump-sum payment or other
12 leave payments made pursuant to this section are and shall
13 remain the financial responsibility of the employing county. For
14 purposes of this section, the term "other accrued leave" shall
15 not include accrued sick leave and accrued annual leave, and
16 shall include accrued disability leave, accrued personal leave,
17 accrued compensatory leave and other types of accrued leave
18 encompassed within the employing county's personnel policies on
19 the day immediately preceding the date of transfer.

20 § 2396. Leave following transfer.

21 (a) Leave accrual following date of transfer.--On and after
22 the date of transfer, leave shall be accrued by transferred
23 administrators as provided by State judicial personnel policies.
24 For purposes of determining the accrual rate for annual leave,
25 the term "service" shall mean State and county service which is
26 creditable for retirement purposes, excluding any nonstate or
27 noncounty service which may be creditable for State or county
28 retirement purposes.

29 (b) Leave carryover following date of transfer.--On and
30 after the date of transfer, a transferred administrator shall be

1 permitted to carry accrued leave from calendar year to calendar
2 year as provided by State judicial personnel policies.

3 (c) Leave eligible for payment.--If a transferred
4 administrator terminates active service with the unified
5 judicial system, such transferred administrator shall be paid
6 for sick leave and annual leave transferred and credited under
7 section 2394 (relating to sick leave and annual leave) and for
8 sick, annual and other leave accrued on and after the date of
9 transfer as permitted by State judicial personnel policies in
10 effect on the transferred administrator's date of termination.
11 § 2397. County payments for certain leave.

12 (a) County payments.--Each employing county shall provide
13 payment to the Commonwealth for the accrued sick leave and
14 annual leave transferred and credited pursuant to section 2394
15 (relating to sick leave and annual leave). Within 30 days of the
16 date specified in section 1905(a) (relating to county-level
17 court administrators), each employing county shall provide, in
18 writing, to the Administrative Office of Pennsylvania Courts,
19 all leave information requested by the Court Administrator of
20 Pennsylvania for those individuals designated in section
21 1905(a). The payment to be made by each employing county shall
22 be determined based upon an actuarial evaluation performed by an
23 actuary appointed by the Court Administrator of Pennsylvania
24 from a list of three actuaries to be submitted by the Secretary
25 of the Budget within 30 days of the effective date of this
26 subchapter. The actuarial evaluation shall be based upon
27 assumptions determined by the actuary to be appropriate under
28 the circumstances to arrive at a fair and reasonable
29 determination of an actuarially equivalent value of the accrued
30 sick leave and annual leave transferred and credited under

1 section 2394. The actuary shall submit the actuarial evaluation
2 to the Administrative Office of Pennsylvania Courts within 60
3 days of the receipt of all information necessary to prepare such
4 evaluation. If any employing county fails to provide the
5 information required by this section, the county shall be
6 subject to a penalty of \$100 per day for each transferred
7 employee until the required information is provided. Such
8 penalties shall be paid into the fund.

9 (b) Notice of payment due and payment method.--Following
10 receipt of the actuarial evaluation required by subsection (a),
11 the Administrative Office of Pennsylvania Courts shall notify in
12 writing each employing county of the actuarial value
13 attributable to that county for accrued sick leave and annual
14 leave transferred and credited under section 2394. Each
15 employing county shall be obligated to the Commonwealth for
16 payment of the actuarial value of the accrued sick leave and
17 annual leave transferred and credited under section 2394.
18 Payment shall be made to the Commonwealth by each employing
19 county within 90 days of the date of the written notice from the
20 Administrative Office of Pennsylvania Courts to the employing
21 county, which date is referred to for purposes of this section
22 as the payment due date. Any payment not received from an
23 employing county by the payment due date shall be subject to the
24 imposition of interest from the day following the payment due
25 date at the rate determined by the Secretary of Revenue for
26 interest payments on overdue taxes or the refund of taxes as
27 provided in section 806 and 806.1 of the act of April 9, 1929
28 (P.L.343, No.176), known as The Fiscal Code, and any subsequent
29 amendments to those sections, plus 2% until paid in full.

30 (c) Recoupment of employing county arrearages.--If an

1 employing county fails to submit a payment by the payment due
2 date established under subsection (b), the Administrative Office
3 of Pennsylvania Courts shall withhold and withdraw such payment,
4 plus applicable interest, if any, from moneys next due to be
5 paid to the employing county in the form of grants, subsidies or
6 other payments to counties which are made by the Administrative
7 Office of Pennsylvania Courts. Any moneys withheld or withdrawn
8 under this subsection or received under subsection (b) shall be
9 transferred to and deposited in the fund created under
10 subsection (d) and credited to the employing county's financial
11 obligation under this subchapter.

12 (d) Establishment of fund.--There is hereby created a
13 special nonlapsing fund in the State Treasury to be known as the
14 Unified Judicial System Transferred County-Level Administrator
15 Leave Fund. All moneys received from employing counties under
16 this section and all investment income earned on those moneys
17 shall be deposited in the fund. All moneys placed in the fund
18 and the investment income it accrues are hereby appropriated on
19 a continuing basis to the Administrative Office of Pennsylvania
20 Courts, upon requisition by the Court Administrator of
21 Pennsylvania, to be applied solely to the cost of leave payments
22 made under section 2396(c) (relating to leave following
23 transfer). The requisition authority granted with regard to the
24 fund is in addition to the requisition authority contained in
25 section 1501 of The Fiscal Code.

26 (e) Fund deficiency.--If money in the fund is not adequate
27 to provide for full payment of the counties' share of leave
28 payments, the amount necessary to fully fund the counties' share
29 of leave payments shall become an obligation of the unified
30 judicial system.

1 (f) Fund surplus.--When all leave payments for transferred
2 administrators required to be made under this subchapter have
3 been made, any surplus remaining in the fund shall be
4 transferred to and is hereby appropriated to the General Fund.

5 SECTION 2.1. SECTION 3703 OF TITLE 42 IS AMENDED TO READ: <—

6 § 3703. LOCAL CHAMBER FACILITIES.

7 THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS SHALL
8 FURNISH FOR EACH JUDGE OF THE APPELLATE COURTS OF THIS
9 COMMONWEALTH CHAMBER FACILITIES IN THE COUNTY IN WHICH SUCH
10 JUDGE RESIDES IN CONFORMITY WITH GENERAL RULES FOR SUCH JUDGE
11 AND [THE] ONE PERSONAL [STAFF] SECRETARY OF SUCH JUDGE FROM
12 FUNDS ANNUALLY APPROPRIATED BY THE GENERAL ASSEMBLY.

13 Section 3. The definitions of "class of service multiplier,"
14 "creditable nonstate service," "State service," "superannuation
15 age" and "vestee" in section 5102 of Title 71 are amended and
16 the section is amended by adding definitions to read:

17 § 5102. Definitions.

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

21 * * *

22 "Class of service multiplier."

23 Class of Service Multiplier

24	A	1
25	B	.625
26	C	1
27	D	1.25
28	D-1	prior to

1		January 1, 1973	1.875	
2	D-1	on and		
3		subsequent to		
4		January 1, 1973	1.731	
5	D-2	prior to		
6		January 1, 1973	2.5	
7	D-2	on and		
8		subsequent to		
9		January 1, 1973	1.731	
10	D-3	prior to		
11		January 1, 1973	3.75	
12	D-3	on and		
13		subsequent to		
14		January 1, 1973	1.731	except prior to December
15				1, 1974 as applied to any
16				additional legislative
17				compensation as an officer
18				of the General Assembly
19				3.75
20	E, E-1	prior to		
21		January 1, 1973	2	for each of the first ten
22				years of judicial service,
23				and
24			1.5	for each subsequent year
25				of judicial service
26	E, E-1	on and		
27		subsequent to		
28		January 1, 1973	1.50	for each of the first
29				ten years of judicial
30				service and

1 1.125 for each subsequent year
2 of judicial service

3 E-2 prior to
4 September 1, 1973 1.5

5 E-2 on and
6 subsequent to
7 September 1, 1973 1.125

8 G 0.417

9 H 0.500

10 I 0.625

11 J 0.714

12 K 0.834

13 L 1.000

14 M 1.100

15 N 1.250

16 T-C (Public School 1

17 Employees'

18 Retirement Code)

19 * * *

20 "County service." Service credited in a retirement system or
21 pension plan established or maintained by a county to provide
22 retirement benefits for its employees to the account of county
23 employees who are transferred to State employment and become
24 State employees pursuant to 42 Pa.C.S. § 1905 (relating to
25 county-level court administrators) regardless of whether the
26 service was performed for the county, another employer or
27 allowed to be purchased in the county retirement system or
28 pension plan.

29 "Creditable nonstate service." Service other than service as
30 a State employee or service converted to State service pursuant

1 to section 5303.1 (relating to election to convert county
2 service to State service) for which an active member may obtain
3 credit.

4 * * *

5 "State service." Service converted from county service
6 pursuant to section 5303.1 (relating to election to convert
7 county service to State service) or rendered as a State
8 employee.

9 * * *

10 "Superannuation age." Any age upon accrual of 35 eligibility
11 points or age 60, except for a member of the General Assembly,
12 an enforcement officer, a correction officer, a psychiatric
13 security aide, a Delaware River Port Authority policeman or an
14 officer of the Pennsylvania State Police, age 50, and except for
15 a member with Class G, Class H, Class I, Class J, Class K, Class
16 L, Class M or Class N service, age 55 upon accrual of 20
17 eligibility points.

18 * * *

19 "Vestee." A member with ten or more eligibility points, or a
20 member with Class G, Class H, Class I, Class J, Class K, Class
21 L, Class M or Class N service with eight or more eligibility
22 points, who has terminated State service and has elected to
23 leave his total accumulated deductions in the fund and to defer
24 receipt of an annuity.

25 Section 4. Sections 5301 and 5302 of Title 71 are amended by
26 adding subsections to read:

27 § 5301. Mandatory and optional membership.

28 * * *

29 (e) Election prohibited.--Notwithstanding subsections
30 (a)(13) and (c), county employees who are transferred to State

1 employment and become State employees pursuant to 42 Pa.C.S. §
2 1905 (relating to county-level court administrators) shall not
3 have the election to remain a contributor in the retirement
4 system or pension plan of the county by which they were employed
5 prior to becoming eligible for membership in the State
6 Employees' Retirement System. Such employees shall be mandatory
7 members of the system provided they are otherwise eligible and
8 unless they are eligible for optional membership pursuant to
9 subsections (a)(1) through (11) and (b) or prohibited membership
10 pursuant to subsections (a)(14) and (c).

11 § 5302. Credited State service.

12 * * *

13 (d.1) Effect of converting county service to State
14 service.--A county employee transferred to State employment
15 pursuant to 42 Pa.C.S. § 1905 (relating to county-level court
16 administrators) who elects to convert county service to State
17 service pursuant to section 5303.1 (relating to election to
18 convert county service to State service) shall receive one year
19 or fractional part of a year of State service credit for each
20 year or fractional part of a year, as the case may be, of county
21 service credited in the county retirement system or pension
22 plan; provided, however, that no more than one year of State
23 service of all classes will be credited in any one calendar year
24 and that no State service credit shall be received for county
25 service that is already credited in the system or in the Public
26 School Employees' Retirement System.

27 * * *

28 Section 5. Section 5303(b) of Title 71 is amended by adding
29 a paragraph to read:

30 § 5303. Retention and reinstatement of service credits.

1 * * *

2 (b) Eligibility points for prospective credited service.--

3 * * *

4 (1.1) Every active member of the system who elects to
5 convert county service to State service pursuant to section
6 5303.1 (relating to election to convert county service to
7 State service) shall receive eligibility points in accordance
8 with section 5307 for converted county service upon
9 compliance with section 5303.1(b). The class or classes of
10 service in which the member may be credited for converted
11 county service shall be determined in accordance with section
12 5306(c).

13 * * *

14 Section 6. Title 71 is amended by adding a section to read:

15 § 5303.1. Election to convert county service to State service.

16 (a) General rule.--County employees who are transferred to
17 State employment pursuant to 42 Pa.C.S. § 1905 (relating to
18 county-level court administrators) may elect to convert their
19 county service in the retirement system or pension plan in which
20 they were contributors immediately prior to the transfer to
21 State employment.

22 (b) Time for making election.--The election to convert
23 county service to State service must be made by filing written
24 notice with the board within 90 days after the transfer to State
25 employment. An election to convert service shall be effective
26 when filed with the board, but shall not be effective before the
27 date of transfer to State employment. An election to convert
28 county service to State service shall be irrevocable.

29 (c) Effect of failure to make election.--Failure to elect to
30 convert county service to State service within the election

1 period set forth in subsection (b) shall result in the county
2 service not being converted to State service. Transferred
3 employees who do not elect to convert county service to State
4 service shall not have the opportunity to make a subsequent
5 conversion election should they later obtain different
6 employment in the unified judicial system or other State
7 employment eligible for membership in the system.

8 (d) Effect of election.--An election to convert county
9 service to State service shall convert all county service in the
10 retirement system or pension plan in which the transferred
11 employee was a member immediately before the transfer to State
12 employment, even if not performed as a judicial system employee
13 of the county. The election shall not convert service in other
14 retirement systems or pension plans that is not credited in the
15 county plan from which the member is transferred. Once the
16 conversion occurs, the converted service shall lose all
17 attributes and characteristics as county service and shall be
18 State service as set forth in this part.

19 Section 7. Section 5304(b) of Title 71 is amended to read:
20 § 5304. Creditable nonstate service.

21 * * *

22 (b) Limitations on eligibility.--An active member or a
23 multiple service member who is a school employee and an active
24 member of the Public School Employees' Retirement System shall
25 be eligible to receive credit for nonstate service provided that
26 he does not have credit for such service in the system or in the
27 school system and is not entitled to receive, eligible to
28 receive now or in the future, or is receiving retirement
29 benefits for such service in the system or under a retirement
30 system administered and wholly or partially paid for by any

1 other governmental agency or by any private employer, or a
2 retirement program approved by the employer in accordance with
3 section 5301(a)(12) (relating to mandatory and optional
4 membership), and further provided, that such service is
5 certified by the previous employer and contributions are agreed
6 upon and made in accordance with section 5505 (relating to
7 contributions for the purchase of credit for creditable nonstate
8 service).

9 * * *

10 Section 8. Section 5306 of Title 71 is amended by adding a
11 subsection to read:

12 § 5306. Classes of service.

13 * * *

14 (c) Class membership for county service.--Notwithstanding
15 subsection (a), county service that is converted to State
16 service pursuant to section 5303.1 (relating to election to
17 convert county service to State service) shall be credited as
18 the following class of service:

19 Class of service in a county of the
20 second class A, third class, fourth
21 class, fifth class, sixth class,
22 seventh class or eighth class

23 maintaining a retirement system or
24 pension plan under the
25 act of August 31, 1971 (P.L.398, No.96),

26 known as the County Pension Law _____ System Class of
27 _____ Service

28 Class 1-120 _____ G

29 Class 1-100 _____ H

30 Class 1-80 _____ I

1	<u>Class 1-70</u>	J
2	<u>Class 1-60</u>	K
3	<u>Rate of accrual of benefit for each</u>	
4	<u>year of service in a county of the</u>	
5	<u>first class or second class or</u>	
6	<u>credited in the Pennsylvania</u>	
7	<u>Municipal Retirement System</u>	
8		<u>System Class of</u>
9		<u>Service</u>
10	<u>.833%</u>	G
11	<u>1.00%</u>	H
12	<u>1.250%</u>	I
13	<u>1.428%</u>	J
14	<u>1.667%</u>	K
15	<u>2.000%</u>	L
16	<u>2.200%</u>	M
17	<u>2.500%</u>	N

18 Section 9. Sections 5308(b) and 5309 of Title 71 are amended
19 to read:

20 § 5308. Eligibility for annuities.

21 * * *

22 (b) Withdrawal annuity.--Any vestee or any active member or
23 inactive member on leave without pay who terminates State
24 service having ten or more eligibility points, or who has Class
25 G, Class H, Class I, Class J, Class K, Class L, Class M or Class
26 N service and terminates State service having eight or more
27 eligibility points, upon compliance with section 5907(f), (g) or
28 (h) shall be entitled to receive an annuity.

29 * * *

30 § 5309. Eligibility for vesting.

1 Any member who terminates State service with ten or more
2 eligibility points, or any member with Class G, Class H, Class
3 I, Class J, Class K, Class L, Class M or Class N service with
4 eight or more eligibility points, shall be eligible until
5 attainment of superannuation age to vest his retirement
6 benefits.

7 Section 10. Section 5504(a) of Title 71 is amended and the
8 section is amended by adding a subsection to read:

9 § 5504. Member contributions for the purchase of credit for
10 previous State service or to become a full coverage
11 member.

12 (a) Amount of contributions for service in other than Class
13 G through N.--The contributions to be paid by an active member
14 or eligible school employee for credit for total previous State
15 service other than service in Class G, Class H, Class I, Class
16 J, Class K, Class L, Class M and Class N or to become a full
17 coverage member shall be sufficient to provide an amount equal
18 to the regular and additional accumulated deductions which would
19 have been standing to the credit of the member for such service
20 had regular and additional member contributions been made with
21 full coverage in the class of service and at the rate of
22 contribution applicable during such period of previous service
23 and had his regular and additional accumulated deductions been
24 credited with statutory interest during all periods of
25 subsequent State and school service up to the date of purchase.

26 (a.1) Converted county service.--No contributions shall be
27 required to restore credit for previously credited State service
28 in Class G, Class H, Class I, Class J, Class K, Class L, Class M
29 and Class N. Such service shall be restored upon the
30 commencement of payment of the contributions required to restore

1 credit for all other previous State service.

2 * * *

3 Section 11. Sections 5505 and 5507 of Title 71 are amended
4 by adding subsections to read:

5 § 5505. Contributions for the purchase of credit for creditable
6 nonstate service.

7 * * *

8 (h) County service.--For purposes of this section, Class G,
9 Class H, Class I, Class J, Class K, Class L, Class M and Class N
10 service shall be disregarded in determining when a member enters
11 State service or the period of subsequent State service.

12 § 5507. Contributions by the Commonwealth and other employers.

13 * * *

14 (c) Contributions transferred by county retirement
15 systems.--

16 (1) Each county retirement system or pension plan which
17 is notified by certification from the board that a former
18 contributor who was transferred to State employment pursuant
19 to 42 Pa.C.S. § 1905 (relating to county-level court
20 administrators) has elected to convert county service to
21 State service in accordance with section 5303.1 (relating to
22 election to convert county service to State service) shall
23 transfer to the board an amount equal to the actuarial
24 liability for the additional benefits that result in the
25 system as a result of the conversion as certified by the
26 board. This amount shall be calculated in such a manner and
27 using such actuarial factors and assumptions as the board,
28 after obtaining the advice of its actuary, shall determine
29 and shall be calculated by determining the present value of
30 the future benefits for the former county contributors and

1 subtracting from that present value the present value of
2 future employee contributions and future employer normal cost
3 contributions.

4 (2) The transfer shall occur no later than 180 days
5 after the certification by the board of the actuarial
6 liability for the additional benefits, or 30 days following
7 the date of termination of service if the member terminates
8 State service after making the election to convert service,
9 whichever occurs first.

10 (3) If any county retirement system or pension plan
11 fails to transfer, within the required time, the money
12 certified by the board under this subsection, then the
13 service of such members for the period of converted service
14 shall be credited and the board shall notify the county which
15 employed the employee who is converting the county service
16 and the State Treasurer, of the amount due. The State
17 Treasurer shall withhold out of any grants, subsidies, or
18 other payments from the State General Fund appropriation or
19 appropriations next due such county an amount equal to the
20 amount which the county retirement system or pension plan
21 failed to pay and shall pay the amount so withheld to the
22 board for the payment of the amount due from that county's
23 retirement system or pension plan for the converted service.

24 Section 12. Section 5705(a) of Title 71 is amended to read:

25 § 5705. Member's options.

26 (a) General rule.--Any special vestee who has attained
27 superannuation age, any vestee having ten or more eligibility
28 points, any member with Class G, Class H, Class I, Class J,
29 Class K, Class L, Class M or Class N service having eight or
30 more eligibility points or any other eligible member upon

1 termination of State service who has not withdrawn his total
2 accumulated deductions as provided in section 5701 (relating to
3 return of total accumulated deductions) may apply for and elect
4 to receive either a maximum single life annuity, as calculated
5 in accordance with the provisions of section 5702 (relating to
6 maximum single life annuity), or a reduced annuity certified by
7 the actuary to be actuarially equivalent to the maximum single
8 life annuity and in accordance with one of the following
9 options; except that no member shall elect an annuity payable to
10 one or more survivor annuitants other than his spouse or
11 alternate payee of such a magnitude that the present value of
12 the annuity payable to him for life plus any lump sum payment he
13 may have elected to receive is less than 50% of the present
14 value of his maximum single life annuity:

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

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

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

29 (4) Option 4.--Some other benefit which shall be
30 certified by the actuary to be actuarially equivalent to the

1 maximum single life annuity, subject to the following
2 restrictions:

3 (i) any annuity shall be payable without reduction
4 during the lifetime of the member;

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

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

20 * * *

21 Section 13. Section 5903 of Title 71 is amended by adding a
22 subsection to read:

23 § 5903. Duties of the board to advise and report to heads of
24 departments and members.

25 * * *

26 (e) Former county employees.--Upon receipt of an election by
27 a county employee transferred to State employment pursuant to 42
28 Pa.C.S. § 1905 (relating to county-level court administrators)
29 to convert county service to State service, the board shall
30 certify to the member the amount of service so converted and the

1 class at which such service is credited.

2 Section 14. Sections 5905(f) and 5905.1(b) of Title 71 are
3 amended to read:

4 § 5905. Duties of the board regarding applications and
5 elections of members.

6 * * *

7 (f) Initial annuity payment and certification.--The board
8 shall make the first monthly payment to a member who is eligible
9 for an annuity within 60 days of the filing of his application
10 for an annuity or, in the case of a vestee or special vestee who
11 has deferred the filing of his application to a date later than
12 90 days following attainment of superannuation age, within 60
13 days of the effective date of retirement, and receipt of the
14 required data from the head of the department, and if the member
15 has Class G, Class H, Class I, Class J, Class K, Class L, Class
16 M or Class N service, any data required from the county
17 retirement system or pension plan to which the member was a
18 contributor before being a State employee. Concurrently the
19 board shall certify to such member:

20 (1) the total accumulated deductions standing to his
21 credit showing separately the amount contributed by the
22 member, the pickup contribution and the interest credited to
23 the date of termination of service;

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

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

29 (4) the total annuity payable under the option elected
30 and the amount and effective date of any future reduction

1 under section 5703 (relating to reduction of annuities on
2 account of social security old-age insurance benefits).

3 * * *

4 § 5905.1. Installment payments of accumulated deductions.

5 * * *

6 (b) Payment of first installment.--The payment of the first
7 installment shall be made in the amount and within seven days of
8 the date specified by the member, except as follows:

9 (1) Upon receipt of a member's application to withdraw
10 his total accumulated deductions as provided in section
11 5311(a) or 5701 and upon receipt of all required data from
12 the head of the department, and if the member has Class G,
13 Class H, Class I, Class J, Class K, Class L, Class M or Class
14 N service, any data required from the county retirement
15 system or pension plan to which the member was a contributor
16 before being transferred to State employment, the board shall
17 not be required to pay the first installment prior to 45 days
18 after the filing of the application and the receipt of the
19 data or the date of termination of service, whichever is
20 later.

21 (2) In the case of an election as provided in section
22 5705(a)(4)(iii) by a member terminating service within 60
23 days prior to the end of a calendar year and upon receipt of
24 all required data from the head of the department, and if the
25 member has Class G, Class H, Class I, Class J, Class K, Class
26 L, Class M or Class N service, any data required from the
27 county retirement system or pension plan to which the member
28 was a contributor before being transferred to State
29 employment, the board shall not be required to pay the first
30 installment prior to 21 days after the later of the filing of

1 the application and the receipt of the data or the date of
2 termination of service, but, unless otherwise directed by the
3 member, the payment shall be made no later than 45 days after
4 the filing of the application and the receipt of the data or
5 the date of termination of service, whichever is later.

6 (3) In the case of an election as provided in section
7 5705(a)(4)(iii) by a member who is not terminating service
8 within 60 days prior to the end of a calendar year and upon
9 receipt of all required data from the head of the department,
10 and if the member has Class G, Class H, Class I, Class J,
11 Class K, Class L, Class M or Class N service, any data
12 required from the county retirement system or pension plan to
13 which the member was a contributor before being transferred
14 to State employment, the board shall not be required to pay
15 the first installment prior to 45 days after the filing of
16 the application and the receipt of the data or the date of
17 termination of service, whichever is later.

18 * * *

19 Section 15. Section 5906(j) of Title 71 is amended and the
20 section is amended by adding a subsection to read:

21 § 5906. Duties of heads of departments.

22 * * *

23 (e.1) Former county-level judicial employees transferred to
24 State employment.--In addition to the duties set forth in
25 subsections (d) and (e), the Court Administrator of
26 Pennsylvania, upon the transfer of county employees to State
27 employment pursuant to 42 Pa.C.S., § 1905 (relating to county-
28 level court administrators), shall advise such transferred
29 county employees of their opportunity to elect to convert county
30 service to State service in accordance with section 5303.1

1 (relating to election to convert county service to State
2 service) and if such employee so elects, the Court Administrator
3 of Pennsylvania shall cause an election to be made and filed
4 with the board within 90 days after the transfer to State
5 employment.

6 * * *

7 (j) Termination of service.--The head of department shall,
8 in the case of any member terminating State service who is
9 ineligible for an annuity before attainment of superannuation
10 age, advise such member in writing of any benefits to which he
11 may be entitled under the provisions of this part and shall have
12 the member prepare, on or before the date of termination of
13 State service, an application for the return of total
14 accumulated [deduction] deductions or, on or before September
15 30, 1997, an application to be vested as a special vestee, if
16 eligible.

17 * * *

18 Section 16. Sections 5907(b) and 5934 of Title 71 are
19 amended to read:

20 § 5907. Rights and duties of State employees and members.

21 * * *

22 (b) Application for membership.--

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

29 (2) In the case of a new employee who is a county
30 employee transferred to State employment pursuant to 42

1 Pa.C.S. § 1905 (relating to county-level court
2 administrators) and who desires to elect to convert county
3 service to State service, the member shall also execute an
4 election to convert service and file it with the board in
5 accordance with section 5303.1 (relating to election to
6 convert county service to State service).

7 * * *

8 § 5934. State accumulation account.

9 The State accumulation account shall be the ledger account to
10 which shall be credited all contributions of the Commonwealth or
11 other employers whose employees are members of the system and
12 made in accordance with the provisions of section 5507(a)
13 (relating to contributions by the Commonwealth and other
14 employers) except that the amounts received under the provisions
15 of the act of May 12, 1943 (P.L.259, No.120), and the amounts
16 received under the provisions of the Liquor Code, act of April
17 12, 1951 (P.L.90, No.21), shall be credited to the State Police
18 benefit account or the enforcement officers' benefit account as
19 the case may be. All amounts transferred to the fund by county
20 retirement systems or pension plans in accordance with the
21 provisions of section 5507(c) (relating to contributions by the
22 Commonwealth and other employers) also shall be credited to the
23 State accumulation account. The State accumulation account shall
24 be credited with valuation interest. The reserves necessary for
25 the payment of annuities and death benefits as approved by the
26 board and as provided in Chapter 57 (relating to benefits) shall
27 be transferred from the State accumulation account to the
28 annuity reserve account provided for in section 5935 (relating
29 to annuity reserve account), except that the reserves necessary
30 on account of a member who is an officer of the Pennsylvania

1 State Police or an enforcement officer shall be transferred from
2 the State accumulation account to the State Police benefit
3 account provided for in section 5936 (relating to State Police
4 benefit account) or to the enforcement officers' benefit account
5 as provided for in section 5937 (relating to enforcement
6 officers' benefit account) as the case may be.

7 Section 17. Title 71 is amended by adding a section to read:

8 § 5953.5. Transfer of domestic relations orders against county
9 pension plans.

10 (a) General rule.--If, at the time a county employee becomes
11 a State employee pursuant to 42 Pa.C.S. § 1905 (relating to
12 county-level court administrators), there is a domestic
13 relations order entered against the transferred employee or the
14 county retirement system or pension plan in which the county
15 employee was a contributor immediately prior to the transfer to
16 State employment and if the domestic relations order affects the
17 rights of the transferred employee or any county alternate payee
18 to receive money or benefits from the county retirement system
19 or pension plan, the domestic relations order shall be affected
20 as follows:

21 (1) If the county employee elects to convert county
22 service to State service in accordance with section 5303.1
23 (relating to election to convert county service to State
24 service), the domestic relations order will remain in effect;
25 but the obligations of the county retirement system or
26 pension plan shall be assumed by the board or system if the
27 domestic relations order is certified as an approved domestic
28 relations order by the secretary of the board or a designated
29 representative pursuant to section 5953.1 (relating to
30 approval of domestic relations orders). If the domestic

1 relations order is not certified as an approved domestic
2 relations order, the order shall not be effective against the
3 board or system and shall not require the board or system to
4 attach, assign, or otherwise pay benefits or money to any
5 person except as otherwise provided for in this part.

6 (2) If the county employee does not elect to convert
7 county service to State service, the domestic relations order
8 shall remain in effect against the county retirement system
9 or pension plan; and the order shall not be effective against
10 the board or the system and shall not require the board or
11 system to attach, assign, or otherwise pay benefits or money
12 to any person except as otherwise provided for in this part.

13 (b) Construction.--

14 (1) Nothing in this section shall be construed to
15 prevent a domestic relations order from being amended to
16 satisfy the provisions of this part or to alter any
17 distribution scheme to reflect the transfer of employment
18 from a county to the State or the conversion of benefits from
19 a county retirement system or pension plan to benefits from
20 the system.

21 (2) Nothing in this section shall be construed to
22 prevent a domestic relations order from being amended to
23 provide that all or part of the obligations attaching against
24 the county retirement system or pension plan prior to the
25 transfer of employment to the State shall not be transferred
26 to the board or the system.

27 (c) Definitions.--As used in this section, the following
28 words and phrases shall have the meanings given to them in this
29 subsection:

30 "County alternate payee." Any spouse, former spouse, child

1 or dependent of a county employee who is recognized by a
2 domestic relations order as having a right to receive all or a
3 portion of the moneys payable to that county employee under the
4 county retirement system or pension plan in which the county
5 employee was a contributor immediately prior to transfer to
6 State employment.

7 "Domestic relations order." As defined in section 5102
8 (relating to definitions), regardless of whether the order was
9 entered before or after June 28, 1994.

10 Section 18. This act shall apply to the county employees who
11 become State employees pursuant to 42 Pa.C.S. § 1905.

12 Section 19. County employees transferred to State employment
13 pursuant to 42 Pa.S.C. § 1905 who are annuitants of the State
14 Employees' Retirement System shall be required to be active
15 members of the State Employees' Retirement System and shall have
16 their annuities stopped pursuant to 71 Pa.C.S. §§ 5301(d) and
17 5706, governing annuitants of the State Employees' Retirement
18 System who return to State service. Upon subsequent termination
19 and application for annuity, the transferred State Employees'
20 Retirement System annuitants shall have their benefits
21 calculated according to the provisions of 71 Pa.C.S. Pt. XXV,
22 regarding annuities after subsequent termination. For purposes
23 of calculating eligibility points for the application of 71
24 Pa.C.S. § 5706(c)(1), only eligibility points earned after the
25 date of transfer may be included, unless the member has
26 converted county service to State service pursuant to 71 Pa.C.S.
27 § 5303.1. If a former annuitant has converted county service to
28 State service, the eligibility points subsequent to the most
29 recent receipt of an annuity that is not returned to the State
30 Employees' Retirement System as a result of the converted

1 service shall also be included in calculating the eligibility
2 points under 71 Pa.C.S. § 5706(c)(1).

3 Section 20. Except as otherwise set forth in this act,
4 county employees who are transferred to State employment
5 pursuant to 42 Pa.C.S. § 1905 shall be subject to the terms and
6 conditions of 71 Pa.C.S. Pt. XXV in the same manner and extent
7 as any other individual commencing State employment who is
8 eligible for the benefits and obligations of Class A membership
9 with a superannuation age of 60 years.

10 Section 21. Upon the filing by a county employee transferred
11 to State employment pursuant to 42 Pa.C.S. § 1905 of an election
12 to convert county service to State service, the State Employees'
13 Retirement Board shall notify the appropriate county retirement
14 system or pension plan administrator. Within 30 days of
15 notification the county retirement system or pension plan
16 administrator shall certify to the State Employees' Retirement
17 Board the total amount of service credited to the electing
18 member's account, and such information on how it was earned or
19 acquired, in the county retirement system or pension plan,
20 including, but not limited to, the nature of the underlying
21 service or legal authority on which the credit was based and the
22 dates covered by the credit as requested by the State Employees'
23 Retirement Board. The administrators, employees, trustees and
24 fiduciaries of all retirement systems or pension plans operated
25 for the transferred employees shall provide whatever information
26 and records are requested by the State Employees' Retirement
27 System within 30 days of the request for the transferred
28 employees. If a county retirement system or pension plan fails
29 to provide the information required by this section, the county
30 shall be subject to a penalty of \$100 per day for each of the

1 transferred employees until the information is provided.

2 Section 22. (a) County employees who are transferred to
3 State employment pursuant to 42 Pa.C.S. § 1905 shall have their
4 county employment by virtue of judicial system employment
5 terminated effective the day before the transfer. No further
6 rights in any county retirement system by virtue of employment
7 with the State shall accrue, but such transferred member shall
8 have the rights, privileges and obligations in the retirement
9 system of the county enjoyed by any other involuntarily
10 terminated employee who is a member of that plan of the same
11 gender and with the same age, years of service, compensation,
12 contributions and other factors that enter into the calculation
13 of benefits.

14 (b) Notwithstanding subsection (a) or any other provision of
15 this act, including, but not limited to, the addition of 71
16 Pa.C.S. §§ 5301(e) and 5303.1(d), and section 23 of this act and
17 notwithstanding any other provision of law, ordinance,
18 collective bargaining agreement, arbitration award, contract or
19 term or condition of any retirement system or pension plan, any
20 transferred member who elects to convert county service to State
21 service may elect to leave in the county retirement system or
22 pension plan any contributions of whatever nature made by the
23 employee, including, but not limited to, pickup contributions,
24 and any interest paid on those contributions. Upon making such
25 an election, the retirement system or pension plan shall treat
26 the contributions and interest as if the member had remained in
27 full-time active service as an employee of the county for the
28 period the transferred employee is a State employee, including
29 the crediting of interest if and as otherwise provided for by
30 the retirement system or pension plan. Upon termination of State

1 service, the transferred employee may make application to the
2 county pension plan or retirement system as if the transferred
3 employee was terminating county service and shall be granted
4 whatever rights and benefits, including an immediate lump sum
5 distribution or an annuity from the county pension plan or
6 retirement system equal to the contributions and interest in the
7 member's account with the county, provided to a terminating
8 member with the age and service the member would have possessed
9 had the member remained a full-time employee of the county. Such
10 election must be in writing filed with the administrator of the
11 county pension plan or retirement system from which the county
12 service is being converted and must be made within 30 days after
13 the election to convert county service to State service.

14 Section 23. County service that is converted to State
15 service pursuant to 71 Pa.C.S. § 5303.1 shall be canceled in all
16 retirement systems in which it was previously credited and shall
17 lose all characteristics of county service.

18 Section 24. For purposes of this act, any county employee
19 who is transferred to State employment pursuant to 42 Pa.C.S. §
20 1905, who is on leave at the time of the transfer or who is not
21 an active participant or contributor to the county retirement
22 system or pension plan but is still an employee of the county
23 judicial system at the time of the transfer shall be deemed an
24 active member for purposes of the implementation of this act and
25 the elections required herein.

26 Section 25. Notwithstanding the definition of "final average
27 salary" contained in 71 Pa.C.S. § 5102, if a member who elects
28 to convert county service to State service pursuant to 71 Pa.C.S.
29 § 5303.1 terminates State service before having been a member of
30 the State Employees' Retirement System for three nonoverlapping

1 periods of four consecutive calendar quarters, the final average
2 salary shall be determined on the basis of the compensation
3 received as a State employee and as a county employee before the
4 transfer to State employment and shall be calculated over any
5 three nonoverlapping periods of four consecutive calendar
6 quarters during which the member was a State employee or a
7 county employee, with the compensation for part-time service
8 being annualized on the basis of the fractional portion of the
9 year for which credit is received.

10 Section 26. Contributions and other money transferred from
11 the county retirement systems and pension plans to the State
12 Employees' Retirement System shall retain the same attributes
13 for Federal, State and local tax laws to the extent allowed by
14 law.

15 Section 27. Notwithstanding any regulation promulgated by
16 the State Employees' Retirement Board, eligibility for
17 superannuation benefits at 55 years of age shall require the
18 actual accrual of 20 eligibility points. Consistent with 71
19 Pa.C.S. Pt. XXV, known as the State Employees' Retirement Code,
20 and its application by the board, members who have Class G,
21 Class H, Class I, Class J, Class K, Class L, Class M or Class N
22 service have a superannuation age upon the attainment of age 55
23 with 20 or more eligibility points only for service in those
24 classes of service.

25 Section 28. (A) The General Assembly declares that the <—
26 provisions of this act are expressly nonseverable and that in
27 the event a court of competent jurisdiction rules finally that
28 any provision mandated in this act is legally or
29 constitutionally impermissible, this entire act shall be void.

30 (B) THIS ENTIRE ACT SHALL BE VOID IF THE PROVISIONS OF 42 <—

1 PA.C.S. § 1905(D)(1) ARE:

2 (1) SUSPENDED BY THE JUDICIARY;

3 (2) SUPERSEDED BY RULE OF COURT;

4 (3) RULED FINALLY BY A COURT OF COMPETENT JURISDICTION
5 TO BE REGULATION OF THE PRACTICE OF LAW; OR

6 (4) OTHERWISE RENDERED INOPERATIVE BY JUDICIAL ACTION.

7 Section 29. The calculation of the contributions to be
8 transferred by county retirement systems or pension plans
9 pursuant to 71 Pa.C.S. § 5507(c) shall include interest at the
10 annual rate adopted for that fiscal year by the board for the
11 calculation of the normal contribution rate pursuant to 71
12 Pa.C.S. § 5508(b) from the effective date of the transfer of the
13 former county employees to State employment to the date of the
14 transfer of the funds to the State Employees' Retirement System.

15 Section 30. This act constitutes the legislation referred to
16 in section 281 of the act of April 22, 1998 (P.L. , No.6A),
17 known as the General Appropriations Act of 1998, which provides
18 as to the appropriation for county court administrators for the
19 unified judicial system in part: "No funds from this
20 appropriation shall be expended until legislation is approved by
21 the General Assembly and enacted into law by the Governor which
22 provides for: (i) the payment by the Commonwealth of
23 compensation of county court administrators, and (ii) the
24 Administrative Office of Pennsylvania Courts to submit
25 semiannual reports to the Appropriations Committee of the Senate
26 and the House of Representatives setting forth expenditure and
27 complement plans and showing the status of personnel actions and
28 expenditures" and such provision of section 281 is hereby
29 repealed.

30 ~~Section 31. This act shall take effect immediately.~~

<—

1 SECTION 31. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <—

2 (1) THE AMENDMENT OF 42 PA.C.S. §§ 504, 543, 563(B) AND
3 3703 SHALL TAKE EFFECT JULY 1, 2000, OR IN 12 MONTHS,
4 WHICHEVER OCCURS FIRST.

5 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
6 IMMEDIATELY.