
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 328 Session of
2005

INTRODUCED BY STOUT, RHOADES, LAVALLE, TARTAGLIONE, MELLOW,
LEMMOND, KITCHEN, COSTA, O'PAKE, ERICKSON, WOZNIAK, PILEGGI,
STACK, BOSCOLA, D. WHITE, ORIE AND THOMPSON,
FEBRUARY 18, 2005

REFERRED TO FINANCE, FEBRUARY 18, 2005

AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania
2 Consolidated Statutes, providing for creditable nonstate
3 service for certain former municipal, county and Federal
4 Government employees.

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

7 Section 1. Section 5304(c) of Title 71 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 5304. Creditable nonstate service.

10 * * *

11 (c) Limitations on nonstate service.--Creditable nonstate
12 service credit shall be limited to:

13 (1) intervening military service;

14 (2) military service other than intervening military
15 service and military service purchasable under section
16 5302(d) (relating to credited State service) not exceeding
17 five years, provided that a member with multiple service may
18 not purchase more than a total of five years of military

1 service in both the system and the Public School Employees'
2 Retirement System;

3 (3) in the case of an academic administrator, teacher or
4 instructor employed in the Department of Education, the State
5 System of Higher Education, any State-owned educational
6 institution or The Pennsylvania State University, provided
7 that the total amount of service creditable under this
8 paragraph shall not exceed the lesser of ten years or the
9 number of years of active membership in the system as an
10 academic administrator, teacher or instructor in the
11 Department of Education, State System of Higher Education,
12 any State-owned educational institution or The Pennsylvania
13 State University:

14 (i) nonstudent service as an academic administrator,
15 teacher or instructor in any public school or public
16 educational institution in any state other than this
17 Commonwealth; or

18 (ii) nonstudent service as an academic
19 administrator, teacher or instructor in the field of
20 education for any agency or department of the Federal
21 Government, whether or not such area was under the
22 jurisdiction of the United States;

23 (4) previous service with a governmental agency other
24 than the Commonwealth which employment with said agency was
25 terminated because of the transfer by statute of the
26 administration of such service or of the entire agency to the
27 Commonwealth;

28 (5) service as a temporary Federal employee assigned to
29 an air quality control complement for the Pennsylvania
30 Department of Environmental Resources at any time during the

1 period of 1970 through 1975. This service time may be
2 purchased only if the member makes an election to purchase
3 within one year of the effective date of this paragraph, and
4 the member shall pay an amount which is equal to the full
5 actuarial cost of the increased benefit obtained by virtue of
6 the purchase as provided in section 5505(f);

7 (6) service in the Cadet Nurse Corps with respect to any
8 period of training as a student or graduate nurse under a
9 plan approved under section 2 of the act of June 15, 1943
10 (Public Law 78-73, 57 Stat. 153), if the total period of
11 training under such plan was at least two years, the credit
12 for such service not to exceed three years;

13 (7) service prior to July 1, 1971, at a community
14 college established under the act of August 24, 1963
15 (P.L.1132, No.484), known as the Community College Act of
16 1963; [or]

17 (8) service as a justice of the peace prior to January
18 1970[.]; or

19 (9) service as an employee or officer of any
20 municipality in this Commonwealth or service as an employee
21 or officer of the Federal Government. For the purposes of
22 this paragraph, the term "municipality" shall mean a county,
23 city, borough, incorporated town, or township. The credit
24 shall not exceed five years or one-half of the employee's
25 State service at the time of application for this credit,
26 whichever is less. The employee could not, upon leaving
27 municipal or Federal Government, have drawn any type of
28 employer-vested benefit, including any retirement benefit,
29 excluding the contribution share and interest of the
30 employee. The election under this paragraph shall be

1 available from April 1, 2005, through March 31, 2007.

2 * * *

3 Section 2. Section 5505 of Title 71 is amended by adding a
4 subsection to read:

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

7 * * *

8 (i) Municipal or Federal service.--Contributions on account
9 of credit for municipal or Federal service shall be determined
10 in the same manner as nonintervening military service, as
11 provided for in subsection (b).

12 Section 3. This act shall take effect in 30 days.