
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1442 Session of
2021

INTRODUCED BY DeLUCA AND McNEILL, MAY 17, 2021

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 17, 2021

AN ACT

1 Providing for benefits in cases of an individual who is eligible
2 for two or more pensions.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Multiple
7 Pension Systems Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Beneficiary." A person last designated in writing to a
13 pension system by a public official or public employee to
14 receive benefits through the pension system upon the death of
15 the public official or public employee.

16 "Pension system." As follows:

17 (1) A pension system funded in whole or in part by the
18 Commonwealth or a political subdivision of the Commonwealth.

1 (2) The term includes any of the following retirement
2 plans:

3 (i) The State Employees' Retirement System
4 established under 71 Pa.C.S. Pt. XXV (relating to
5 retirement for State employees and officers).

6 (ii) The Public School Employees' Retirement System
7 established under 24 Pa.C.S. Pt. IV (relating to
8 retirement for school employees).

9 (iii) The Pennsylvania Municipal Retirement System
10 established under the act of February 1, 1974 (P.L.34,
11 No.15), known as the Pennsylvania Municipal Retirement
12 Law.

13 (iv) A pension or retirement plan established under
14 11 Pa.C.S. Ch. 143 (relating to pensions).

15 (v) A pension or retirement plan established in
16 accordance with the act of May 29, 1956 (1955 P.L.1804,
17 No.600), referred to as the Municipal Police Pension Law.

18 (vi) Any other independent pension or retirement
19 plan for public officials and public employees of the
20 Commonwealth.

21 "Political subdivision." As follows:

22 (1) A county, city, borough, incorporated town,
23 township, school district, vocational school district,
24 intermediate unit, county institution district, municipal
25 authority or home rule, optional plan or optional charter
26 municipality.

27 (2) An agency, authority, board, body, bureau,
28 commission, committee, council, department, division, office,
29 service or other instrumentality of an entity specified in
30 paragraph (1) that is designated to act on behalf of the

1 entity.

2 "Public official or public employee." As follows:

3 (1) An individual who is elected or appointed to a
4 public office or employment in the executive, legislative or
5 judicial branch of the Commonwealth or a political
6 subdivision.

7 (2) The term includes an individual who is acting or who
8 has acted on behalf of the Commonwealth or a political
9 subdivision and who is otherwise entitled to or is receiving
10 retirement benefits, regardless of whether the individual is:

- 11 (i) acting on a permanent or temporary basis; or
- 12 (ii) compensated on a full-time or part-time basis.

13 (3) The term also includes an individual who is a member
14 of a pension system. For the purposes of this act, the
15 individual is deemed to be engaged in public employment.

16 (4) The term does not include:

17 (i) An independent contractor or an employee or
18 agent of an independent contractor under contract to the
19 Commonwealth or a political subdivision.

20 (ii) An individual performing tasks over which the
21 Commonwealth or a political subdivision has no legal
22 right of control.

23 Section 3. One pension allowable.

24 (a) Entitlement.--Notwithstanding any other provision of
25 law, a public official or public employee eligible to receive
26 benefits under more than one pension system shall only be
27 entitled to receive benefits under one of the pension systems.

28 (b) Election.--A public official or public employee subject
29 to subsection (a) may elect to receive benefits under one of the
30 pension systems. If the public official or public employee makes

1 no such election, the public official or public employee shall
2 receive benefits through the pension system that provides the
3 highest amount of benefits.

4 (c) Beneficiary.--Notwithstanding section 4, this section
5 shall not apply to a beneficiary who is eligible to receive
6 benefits under more than one pension system solely because of
7 the status of the beneficiary.

8 Section 4. Applicability.

9 This act shall apply to a public official or public employee
10 who becomes eligible to receive benefits under more than one
11 pension system on or after the effective date of this act.

12 Section 5. Effective date.

13 This act shall take effect in 60 days.