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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1687 Session of  
2023

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INTRODUCED BY FINK, BERNSTINE, D'ORSIE, HAMM, KAUFFMAN, KEPHART,  
MENTZER, ROWE, STEHR AND ZIMMERMAN, SEPTEMBER 19, 2023

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 19, 2023

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AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania  
2 Consolidated Statutes, in membership, credited service,  
3 classes of service, and eligibility for benefits, further  
4 providing for mandatory and optional membership in the system  
5 and participation in the plan.

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

8 Section 1. Section 5301(b), (b.1), (c) and (d)(2) of Title  
9 71 of the Pennsylvania Consolidated Statutes are amended to  
10 read:

11 § 5301. Mandatory and optional membership in the system and  
12 participation in the plan.

13 \* \* \*

14 (b) Optional membership in the system.--[The]

15 (1) Except as provided under paragraph (2), the State  
16 employees listed in subsection (a)(1) through (11) shall have  
17 the right to elect membership in the system; once such  
18 election is exercised, membership shall continue until the  
19 termination of State service. State employees listed in

1 subsection (a) (17) who are listed in subsection (a) (1)  
2 through (11) shall have the right to elect membership in  
3 Class A-5 or Class A-6 provided they have not previously  
4 elected to be solely participants in the plan.

5 (2) A State employee who first becomes a Representative  
6 of the House of Representatives on or after December 1, 2024,  
7 and is not or has not previously been a member of the system  
8 may not elect membership in the system, but may elect  
9 participation in the plan if not a mandatory participant.

10 (b.1) Optional participation in the plan.--

11 (1) The State employees who are optional members of the  
12 system as members of Class A-5 or Class A-6 also are optional  
13 participants in the plan. The State employees who elect  
14 membership in the system as members of Class A-5 or Class A-  
15 6, including the employees who elect to become members of  
16 Class A-5 or Class A-6 under section 5306.5 (relating to  
17 election by active members to become a Class A-5 member,  
18 Class A-6 member or plan participant) also automatically  
19 elect participation in the plan as of the date they elect  
20 membership in the system, except for service as a Class A-5  
21 exempt employee. A State employee can elect participation in  
22 the plan without also electing membership in the system under  
23 section 5306.4.

24 (2) A State employee who first becomes a Representative  
25 of the House of Representatives on or after December 1, 2024,  
26 and is not or has not previously been a member of the system  
27 or a participant in the plan may elect to be solely a  
28 participant in the plan within 30 days of taking office as a  
29 Representative of the House of Representatives. The following  
30 shall apply:

1           (i) An election by a Representative of the House of  
2 Representatives to become solely a participant in the  
3 plan under this paragraph shall be irrevocable and shall  
4 become effective on the date the State employee takes  
5 office as a Representative of the House of  
6 Representatives and shall remain in effect for all future  
7 State service, other than service performed as a Class A-  
8 5 exempt employee. Payment of mandatory participant  
9 pickup contributions for service as a Representative of  
10 the House of Representatives solely as a participant in  
11 the plan performed prior to the election shall be made in  
12 a form, manner and time determined by the board.

13           (ii) Upon termination and subsequent reemployment, a  
14 Representative of the House of Representatives who  
15 elected to be solely a participant in the plan under this  
16 paragraph shall resume active participation for State  
17 service performed after reemployment, except as a Class  
18 A-5 exempt employee, regardless of termination of  
19 employment, termination of participation by a partial or  
20 total distribution of vested total defined contributions  
21 or status as an annuitant, vestee or inactive member of  
22 the system as a Class A-5 exempt employee after the  
23 termination of service.

24           (iii) Failure of a Representative of the House of  
25 Representatives who is eligible to elect to become solely  
26 a participant in the plan under this paragraph to make  
27 the election within 30 days of taking office as a  
28 Representative of the House of Representatives shall  
29 result in all of the Representatives of the House of  
30 Representative's service as a Representative of the House

1 of Representatives not being eligible for future election  
2 or crediting as service in the system or as a participant  
3 in the plan.

4 (c) Prohibited membership in the system.--The State  
5 employees listed in [subsection] subsections (a) (12), (13), (14)  
6 and (15) and (b) (2) shall not have the right to elect membership  
7 in the system.

8 \* \* \*

9 (d) Return to service.--

10 \* \* \*

11 (2) An annuitant or a participant receiving  
12 distributions who returns to service as a State employee on  
13 or after January 1, 2019, shall resume active membership in  
14 the system and, if an active member of Class A-5 or Class A-  
15 6, shall be an active participant in the plan as of the  
16 effective date of employment, except as otherwise provided in  
17 section 5706(a), regardless of the optional membership or  
18 participation category of the position: Provided, however,  
19 That a participant or former participant who previously  
20 elected to be solely a participant under subsection (b.1) (2)  
21 or section 5306.4 or 5306.5 shall be a participant in the  
22 plan and not an active member of the system, except for  
23 service as a Class A-5 exempt employee.

24 \* \* \*

25 Section 2. This act shall take effect immediately.