

No. 106.

AN ACT

To amend paragraph six of section one of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, eight hundred fifty-eight), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by extending its benefits to certain employes of the Department of Public Instruction and of the Legislature.

Section 1. Be it enacted, &c., That paragraph six of section one of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, eight hundred fifty-eight), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," is hereby amended to read as follows:

Six. "State employe" shall mean any person holding a State office under the Commonwealth of Pennsylvania, or employed by the year or by the month by the State government of the Commonwealth of Pennsylvania in any capacity whatsoever. But the term "State employe" shall not include judges, and it also shall not include those persons defined as employes in section one, paragraph seven of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, one thousand forty-three), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the em-

State employes' retirement system.

Paragraph 6 of section 1 of act of June 27, 1923, amended.

"State employe" defined.

Employes not included.

Excepting employes of Department of Public Instruction.

Also includes employes paid for legislative session.

Final decision by board.

ployment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," as amended by section one, paragraph seven of the act, approved the twenty-first day of April, one thousand nine hundred and twenty-one (Pamphlet Laws, two hundred [fifty-five] forty-five,) *excepting such officers and employes of the Department of Public Instruction as are not members of or who may withdraw from the public school employes' retirement association provided by said act; and no member shall be deprived of credit for prior service as a State employe because of the fact that such service was rendered while he or she was a member of the public school employes' retirement association.*

The term "State employe" shall also include all State officers and employes regularly employed by the year or by the month at a fixed annual or monthly compensation when the General Assembly is not in session, but who, during a legislative session, instead of a fixed annual or monthly salary or compensation are paid upon a per diem basis or by a fixed salary or compensation for the legislative session.

In all cases of doubt the Retirement Board shall determine whether any person is a State employe as defined in this paragraph and its decision shall be final.

APPROVED—The 6th day of April, A. D. 1925.

GIFFORD PINCHOT.

No. 107.

AN ACT

To amend section three of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, eight hundred fifty-eight), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by changing the time during which a State employe shall have the option of membership in the retirement association.

State employes' retirement system.

Section 3 of act of June 27, 1923 (P. L. 858), amended.

Section 1. Be it enacted, &c., That section three of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred fifty-eight), entitled "An act establishing a State employes' retirement system, and