

cretion, suspend or revoke or refuse to renew the license of such manager or exclusive general agent.

Before the Insurance Commissioner shall take any action as above set forth, he shall give written notice to the manager or exclusive general agent, stating specifically the nature of the alleged conduct and fixing a time and place at least ten days thereafter when a hearing in the matter shall be held. After such hearing or upon failure of the licensee to appear at such hearing, the Insurance Commissioner shall impose such of the above penalties as he deems advisable under the circumstances.

When the Insurance Commissioner shall take action in any or all of the ways above recited, the party aggrieved may appeal from said action to the Court of Common Pleas of Dauphin County.

Section 654. Penal Provision.—Any individual, copartnership, or corporation acting as a manager or exclusive general agent of a domestic insurance company without a license, as required by this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars for each day of operation without a license.

Any domestic insurance company which fails to file the certification required by section 650 hereof shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars for each day of non-compliance.

Section 2. This act shall take effect immediately.

APPROVED—The 22d day of December, A. D. 1965.

WILLIAM W. SCRANTON

---

No. 464

AN ACT

HB 1977

Amending the act of June 1, 1959 (P. L. 350), entitled "An act relating to the retirement of public school employees; amending, revising, consolidating and changing the laws relating thereto," making certain school employees paid wholly or in part from Federal funds eligible for membership.

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

Section 1. Clauses (6) and (7) of section 102, act of June 1, 1959 (P. L. 350), known as the "Public School Employes' Retirement Code of 1959," clause (6) amended July 9, 1965 (Act No. 115) (P. L. 198), and clause (7), amended August 27, 1963 (P. L. 1287), are amended to read:

Section 102. Definitions.—The following words and phrases as used in this act, unless a different meaning is plainly required by the context, shall have the following meanings:

\* \* \*

(6) "Public school" shall mean any class school, high school, training school, vocational school, truant school, parental school, schools for the instruction of the physically handicapped, and classes conducted for the education and training of adults, out-of-school youth, preschool age children and school age children financed wholly or in part by the Federal government, and any or all classes or schools within the Commonwealth, conducted under the order and superintendence of the Department of Public Instruction of the Commonwealth and of a duly elected or appointed board of public education, board of school directors or board of trustees of the Commonwealth or of any school district, and shall include the officers of the Department of Public Instruction and the State Board of Education, community colleges, area vocational technical schools, and technical institutes established under the provisions of the "Community College Act of 1963."

(7) "School employe" shall mean any teacher, principal, supervisor, supervising principal, county superintendent, district superintendent, assistant superintendent, any member of the staff of a public school or any clerk, stenographer, janitor, attendance officer or other person engaged in any work concerning or relating to a public school or in connection therewith or under contract or engagement to perform one or more of these functions, any officer or employe employed by a county board of school directors, board of public education, or board of school directors to administer, supervise, or teach classes for the education and training of adults, out-of-school youth, preschool age children and school age children financed wholly or in part by the Federal government, and any officer or employe of the Pennsylvania State University with previous membership and service credits in the retirement system, who elects to retain membership in the retirement system or to transfer membership

and service credits from the State Employees' Retirement System according to the provisions of article VII. section 703: Provided, That no person shall be deemed a school employe within the meaning of this act who is not regularly engaged in performing one or more of these functions as a full-time occupation outside of vacation periods. For the purposes of this act, a full-time employe shall include employes of the board of education or board of school directors regularly engaged five (5) hours or more each school day for a period of three (3) consecutive months, or its equivalent in consecutive hours of service, and paid from funds of the school board or funds under the jurisdiction of the school board on an hourly, daily, monthly or annual basis.

In all cases of doubt, the retirement board shall determine whether any person is a school employe as defined in this act.

\* \* \*

Section 2. Subsection (1) of section 201 of the act is amended by adding at the end thereof a new clause to read:

Section 201. Mandatory and Optional Membership.—

(1) Membership in the retirement system shall be mandatory for all school employes, except the following:

\* \* \*

(f) Any officer or employe employed by a county board of school directors, board of public education, or board of school directors to administer, supervise, or teach classes for the education and training of adults, out-of-school youth, preschool age children and school age children financed wholly or in part by the Federal government.

\* \* \*

Section 3. Subsection (2) of section 201 of the act, amended July 9, 1965 (Act No. 115) (P. L. 198), is amended to read:

Section 201. Mandatory and Optional Membership.—

\* \* \*

(2) The school employes listed in subsection (1) above, [clause (a)] clauses (a) and (f), shall have the right to elect membership in the retirement system. The school employes listed in subsection (1) above, clauses, (b), (c), and (e) shall not have the right to elect membership in the retirement system.

Section 4. This act shall take effect immediately.

APPROVED—The 22d day of December, A. D. 1965.

WILLIAM W. SCRANTON