

Certain conditions.

The conveyance shall be made under and subject, nevertheless, to all easements, servitudes and rights of others, including but not confined to streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipe line companies, as well as under and subject, nevertheless, to any estate or tenancies vested in third persons, whether or not appearing of record, for any portion of the said land or improvements erected thereon.

Approval and execution of deed.

Section 2. The deed of conveyance shall be approved by the Department of Justice and shall be executed by the Secretary of Property and Supplies in the name of the Commonwealth of Pennsylvania.

Disposition of proceeds.

Section 3. All moneys received from the sale of the land herein authorized to be conveyed shall be deposited in the General Fund.

Act effective immediately.

Section 4. This act shall take effect immediately.

APPROVED—The 5th day of July, A. D. 1957.

GEORGE M. LEADER

No. 291

AN ACT

Amending the act of June 27, 1923 (P. L. 858), 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," further providing for payment of compensation to judges upon retirement under certain conditions, and imposing duties on certain State officers.

State employes' retirement system.

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

Section 1, act of June 27, 1923, P. L. 858, amended by adding a new clause 31.

Section 1. Section 1 of the act of June 27, 1923 (P. L. 858), 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 amended by adding, at the end thereof, a new clause to read:

Section 1. Be it enacted, &c., That 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:

* * * * *

31. "Judge" shall mean the Chief Justice and any judge of the Supreme Court, the President Judge and any judge of the Superior Court, and any judge of any court of common pleas or orphans' court, and any judge of the Municipal Court of Philadelphia, the County Court of Allegheny County and the Juvenile Court of Allegheny County, holding any such office, at any time, on or after the effective date of this act, regardless of whether or not he or she holds such office at the time he or she otherwise becomes eligible for the benefits of this act.

Section 2. Section 7 of this act is amended by adding, at the end thereof, two new subsections to read:

Section 7 of the act amended by adding two new subsections (9) and (10).

Duties of Heads of Departments

Section 7. * * * * *

(9) Beginning July 1, 1957, each judge provided for by subsection (5) of section 13 of this act, shall pay double the rate of contribution required by subsection (6) of section 8 of this act during the first ten years of service as judge, and thereafter, shall pay one and one-half times the rate of contribution required by subsection (6) of section 8.

(10) Any judge who is not a member of the retirement association on the effective date of this act may elect, prior to the expiration of his or her present term as a judge, to become a new member of the retirement association as of the date when he or she becomes a judge, as covered by subsection (5) of section 13, upon payment to the retirement association of a sum equal to all back payments which he or she would have made, had he or she become a member of the retirement association on the date he or she became a judge. Back payments may be spread over a period of years by having the regular payroll deduction of the member increased by not less than one-third of the amount thereof. The deduction increase shall be credited to the back payments owing, and shall be continued until the amount thereof is paid in full. Deduction increases may be anticipated at any time. If the member is retired under the provisions of this act, before the back payments have been completed, the combined member's annuity and

State annuity provided for by these amendments shall be reduced by an amount equivalent to the unpaid back payments or deduction increases not anticipated.

The first paragraph, subsection (3), section 11 of the act, amended March 24, 1956, P. L. 1341, further amended.

Section 3. The first paragraph of subsection (3) of section 11 of the act, amended March 24, 1956 (P. L. 1341), is amended to read:

Withdrawal

Section 11. * * * * *

(3) Should a member be discontinued from service, not voluntarily, after having completed ten years of total service or voluntarily after having completed twenty-five years of total service, or should a member of the General Assembly discontinue his service as such member, voluntarily or involuntarily, after having served ten years as a member of the General Assembly, *or a judge after having served twenty years as such*, but in any case before reaching superannuation retirement age, he or she shall be paid as he or she may elect as follows:

* * * * *

The first paragraph, subsection (2), section 13 of the act, amended March 24, 1956, P. L. 1341, amended and subsections (5) and (6) added.

Section 4. The first paragraph of subsection (2) of section 13 of the act, amended March 24, 1956 (P. L. 1341), is amended and subsections (5) and (6) are added to read:

Superannuation Retirement

Section 13. Retirement for superannuation shall be as follows:

* * * * *

(2) On retirement for superannuation, a contributor shall receive a retirement allowance which (except for the service as a member of the General Assembly provided for by subsection (3) of this section *and except for the service as a judge provided for by subsection (5) of this section* and the accumulated deductions related thereto) shall consist of—

* * * * *

(5) *Any judge who has served at least one full elective term or ten years in the aggregate, continuously or otherwise, in one or more of the judicial offices referred to in section 1, clause 31 hereof, shall, upon attaining the age of sixty years or thereafter, at such times as he or she shall otherwise qualify, be paid annually, in equal monthly installments during the remainder of his or her life, a retirement allowance which shall consist of a combined member's annuity and State annuity equal to four one-hundredths of his or her final salary for each year of service during his or her first ten years as judge,*

and thereafter equal to three one-hundredths for each year of service, and in addition thereto, if a judge at the time of retiring has credit for State service other than as a judge, he or she shall receive with respect to such other service the member's annuity provided for in clause (a) of subsection (2) of this section and State annuities provided for in clauses (b), (c), (d) and (e) in so far as they are applicable, or if the contributor has not reached the age of sixty years, the State annuities having a value equal to the present value of the State annuities beginning at superannuation retirement age sixty. The limitation that the total State annuity shall not exceed fifty per centum of his or her final salary as set forth in this act shall not be applicable to judges.

(6) The annual payments provided for in this act to be paid to any judge shall not exceed eighty per centum of his or her final salary.

Section 5. Sections 14.1 and 14.2 of the act, amended March 24, 1956 (P. L. 1341), and section 14.2, also amended April 16, 1956 (P. L. 1476), are amended to read:

Sections 14.1 and 14.2 of the act, amended March 24, 1956, P. L. 1341, and section 14.2 amended April 16, 1956, P. L. 1476, further amended.

Retirement as of Time of Death

Section 14.1. Any contributor who is entitled to retire under the provisions of this act, by reason of having completed twenty-five (25) years of total service or by reason of having reached superannuation retirement age, and any member of the General Assembly having completed ten (10) years as a member of the General Assembly, *and any judge having completed twenty (20) years of service as such*, may file with the retirement board a written application for retirement, in the form required for such application, but requesting that such retirement shall become effective as of the time of his death, electing one of the options provided in section fourteen, and nominating a beneficiary under said option as required in said section.

In all such cases, the application shall be held by the retirement board until the contributor shall file a later application, in the usual manner, for retirement, or until the death of the contributor, occurring while in State service, at which time his retirement shall become effective with the same benefits to the designated beneficiary as if the contributor had retired on the day immediately preceding his death.

Retirement While in State Service

Section 14.2. Any contributor who is or was entitled to retire under the provisions of this act, by reason of

having completed twenty-five (25) years of total service or by reason of having reached superannuation retirement age, and any member of the General Assembly having completed ten (10) years as a member of the General Assembly, *and any judge having completed twenty (20) years of service as such*, and who shall die while in State service before filing with the retirement board a written application for retirement as heretofore provided, or has died while in State service and without having filed a written statement as required in sections thirteen and fourteen of this act, shall be considered as having elected Option 1 as provided in section fourteen of this act as of the date of his or her death. In such event, payment under Option 1 shall be made to the beneficiary designated in the nomination of beneficiary form on file with the retirement board, or if said beneficiary has predeceased the contributor, to the legal representative of said contributor. If the contributor has died while in State service and his or her accumulated deductions have been paid as provided in subsection four of section eleven of this act to his or her estate or to the beneficiary designated in the nomination of beneficiary form on file with the retirement board, there shall be deducted from said payment under Option 1 the amount of said accumulated deductions.

Provisions
relating to
judges.

Section 6. The provisions of this act relating to judges are optional, and if any judge does not elect to avail himself of its provisions and to being bound thereby he may continue his membership in the retirement system, or if presently not a member he may join said retirement system without availing himself of these provisions and being bound thereby. In order to avail himself of the provisions of this act and to being bound thereby, he must give notice of his election to the retirement board, in writing, within thirty (30) days after the effective date of this act, or within thirty (30) days after becoming a member of the retirement system.

Act effective
immediately.

Section 7. This act shall take effect immediately.

APPROVED—The 5th day of July, A. D. 1957.

GEORGE M. LEADER