

vided, shall report to the Department of Public Instruction, on blanks furnished by it, the number of teachers in attendance, the names of instructors, the subjects upon which instruction was given, the degree of popular interest awakened by the proceeding, and such further information as may be required.

Section 6. This act shall take effect immediately.

Act effective
immediately.

APPROVED—The 8th day of July, A. D. 1957.

GEORGE M. LEADER

No. 299

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," changing provisions relating to membership in the State employes' retirement system, removing reporting requirements for disability annuitants upon reaching superannuation retirement age, removing the limitation on retirement benefits, and clarifying provisions relating to withdrawal and selection of options.

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

State employes'
retirement
system.

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, after clause 10, two new clauses to read:

Section 1, act of
June 27, 1923,
P. L. 858,
amended by add-
ing two new
clauses 10.1 and
10.2.

Definitions

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:

* * * * *

10.1. "Joint Coverage Member" of the retirement association shall mean a State employe who shall have become a member of the retirement association at a date subsequent to May 28, 1957, or who, having become a member on or before such date, shall have filed with the retirement board a written statement that he or she elects Social Security coverage under an agreement with the Federal Secretary of Health, Education and Welfare entered into by the Commonwealth.

10.2. "Single Coverage Member" of the retirement association shall mean a State employe who shall have become a member of the retirement association on or before May 28, 1957, and who, either shall have filed with the retirement board a written statement that he or she does not elect Social Security coverage under any agreement with the Federal Secretary of Health, Education and Welfare entered into by the Commonwealth, or shall not have filed with the retirement board any written statement.

Section 3 of the act, amended June 16, 1947, P. L. 611, and July 5, 1947, P. L. 1342, further amended.

Section 2. Section 3 of the act, amended June 16, 1947 (P. L. 611), and July 5, 1947 (P. L. 1342), is amended to read:

State Employees Retirement Association

Section 3. A State employes' retirement association is hereby organized, the membership of which shall consist of all State employes, as defined in paragraph six of section one of this act, who, by written application to the retirement board, shall, either as an original member or a new member, elect to be covered by the retirement system. [Any] *For any* State employe who becomes a State employe subsequent to the thirty-first day of December, nineteen hundred twenty-four, except as provided in paragraphs nine and ten of section one of this act as to judges, [shall during the first six months of employment as a State employe have the option of membership but after the first six months of such employment as a State *employe] membership as a new member shall be compulsory: Provided, however, That neither the Governor nor the Lieutenant Governor, nor the members of the General Assembly, nor the head or deputy heads of any administrative department, nor the members of any independent administrative board or commission, or of any departmental administrative board or commission, or of any advisory board or commission, nor the secretary to the Governor, nor the

* "employee" in original.

budget secretary, nor any legislative employe, [nor any person over the age of fifty years] shall be compelled to become members of said State employes' retirement association.

The head of each department, board, commission or other agency of the State government shall see to it that an application for membership is executed by each new State employe [within said six months period], *except as provided above, upon assumption of his duties and that payroll deductions are [not delayed beyond said period] made from the effective date of employment.*

Section 3. Subsection 10 of section 8 of the act, amended June 1, 1956 (P. L. 1963), is amended to read:

Subsection 10, section 8, of the act, amended June 1, 1956, P. L. 1963, further amended.

State Employes' Retirement Fund and Accounts

Section 8. * * *

(10) Where the Commonwealth has entered into an agreement with the Federal Secretary of Health, Education and Welfare to place services covered by the retirement system created by this act under the Federal Social Security Act, the board shall rule that, as of the effective date of the agreement, the rate of benefits payable to a *joint coverage* member after the age at which social security benefits are payable shall be adjusted so that the retirement *or withdrawal* allowance then payable, shall be reduced by an amount equal to forty (40) percent of the primary insurance amount of social security paid or payable to him, whether received or not. *Any such reduction shall apply only to that portion of benefits based on wages as defined in the Federal Insurance Contributions Act. Any such reduction shall be limited to the State annuity as provided in section 13 (2) (B).* The board shall reduce the rate of [member] contributions of each *joint coverage* member with respect to wages (as defined in the Federal Insurance Contributions Act), [to the extent permitted by the rate of benefits provided for in this subsection] *by forty (40) percent of the tax on employes prescribed by the Federal Insurance Contributions Act, exclusive of that portion of such tax attributable to disability coverage.*

Section 4. Subsection 3 of section 11 of the act, amended March 24, 1956 (P. L. 1341), is amended to read:

Subsection 3, section 11 of the act, amended March 24, 1956, P. L. 1341, further amended.

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 mem-

ber, voluntarily or involuntarily, after having served ten years as a member of the General Assembly, but in any case before reaching superannuation retirement age, he or she shall be paid as he or she may elect as follows:

(a) The full amount of the accumulated deductions standing to the credit of his or her individual account in the annuity savings account; or

(b) Except as provided in clause (c) of this subsection an annuity of equivalent actuarial value to his or her accumulated deductions, and in addition, a State annuity having a value equal to the present value of a State annuity beginning at superannuation retirement age, calculated in accordance with the provisions of *clause (2) of section 13* and with the privileges of the same options provided for in [sections thirteen and] *section* fourteen of this act with respect to State annuities for superannuation retirement.

(c) If the member is a member of the General Assembly provided for by [subsection] *clause (3)* of section thirteen of this act, a combined member's annuity and State annuity having a value equal to the present value of such annuity beginning at superannuation retirement age, calculated in accordance with the provisions and with the privileges of the same options provided for in [subsection] *clause (3)* of section thirteen and in section fourteen of this act with respect to such annuities for superannuation retirement.

(d) Where the retirement board has ruled that the rate of benefits, payable to a joint coverage member after the age at which social security benefits are payable, shall be adjusted so that the withdrawal allowance then payable shall be reduced by an amount equal to forty (40) percent of the primary insurance amount of social security paid or payable to him, such reduction in the withdrawal allowance shall be subject to the same provisions as are specified in clause (4) of section thirteen with respect to the superannuation retirement allowance.

Clause 2, section 12 of the act, amended September 28, 1951, P. L. 1544, further amended.

Section 5. Clause 2 of section 12 of the act, amended September 28, 1951 (P. L. 1544), is amended to read:

Disability Retirement

Section 12. Retirement upon disability shall be made and discontinued as follows:

* * * * *

(2) Once each six months, and at such other times as may be deemed necessary, the retirement board shall require any disability annuitant *while still under the superannuation retirement age* to undergo medical ex-

amination by a physician or physicians designated by the retirement board; said examination to be made at the place of residence of said beneficiary, or other place mutually agreed upon. Should such physician or physicians thereupon report and certify to the retirement board that such disability beneficiary is no longer physically or mentally incapacitated for the performance of duty, and should the retirement board concur in such report, then the disability retirement allowance shall be discontinued; or should such physician or physicians thereupon report and certify to the retirement board that such disability beneficiary is able to engage in a gainful occupation, and should the retirement board concur in such report, then the disability beneficiary's present salary or wages shall be ascertained and he shall continue to receive a disability retirement allowance, but the sum of the disability retirement allowance and the disability beneficiary's present salary or wages shall in no event exceed three hundred fifty dollars (\$350) per month.

(a) Each three months it shall be the duty of any disability annuitant *while still under the superannuation retirement age* to furnish a written statement of all earnings from his business, occupation or profession from whatever source derived, and information showing whether or not he is able to engage in a gainful occupation, and such other information as may be required by the retirement board. On failure, neglect or refusal to furnish such information for the period of the preceding three months, the retirement board may refuse to make further disability retirement allowance payments to the disability annuitant, until he has furnished such information to the satisfaction of the retirement board, and should such refusal continue for six months all his rights in or to the disability retirement allowance constituted by this act shall be forfeited.

Section 6. Clause 4 of section 13 of the act, added June 1, 1956 (P. L. 1963), is amended to read:

Clause 4, section 13 of the act, added June 1, 1956, P. L. 1963, further amended.

Superannuation Retirement

Section 13. Retirement for superannuation shall be as follows:

* * * * *

(4) Where the board has ruled that the rate of benefits payable to a *joint coverage* member after the age at which social security benefits are payable shall be adjusted so that the retirement allowance then payable, shall be reduced by an amount equal to forty (40) percent of the primary insurance amount of social security

paid or payable to him, such reduction shall be subject to the following provisions:

(A) Upon attainment of the age at which social security benefits are payable by a beneficiary receiving a retirement allowance for superannuation, or upon retirement of a contributor after attaining that age, his eligibility to the old age insurance benefit and the primary insurance amount of social security upon which the reduction in the retirement allowance shall be based, shall be computed by the board in the manner specified in the Federal Social Security Act, except that in determining such *eligibility and such* amount only wages or compensation for services covered by the retirement system created by this act shall be included.

* * * * *

[(E) In determining the need for any further State annuity payable under clause (2) (E) of this section, the primary social security amount paid or payable to a member shall be included with the superannuation retirement allowance as the basis for computing such need.]

* * * * *

[(G) The total sum to be received monthly from the retirement system and from social security by each member following retirement shall not be more than eighty percent of final salary. This limitation shall not apply where it would reduce that portion of the retirement allowance of a member based on credits earned prior to the effective date of the agreement.]

[(H)] (E) The total sum, including social security benefits, to be received upon retirement by an employee who is a member of the system at the time of the change, shall not be less than the allowance that would be paid by the retirement system in the absence of such change.

Section 14, of the act, amended September 7, 1955, P. L. 571, amended by adding a new paragraph.

Section 7. Section 14 of the act, amended September 7, 1955 (P. L. 571), is amended by adding, at the end of the section, a new paragraph to read:

Options

Section 14. * * *

* * * * *

In calculating the retirement allowance payable to a joint coverage member under an option enumerated in this section, which is the actuarial equivalent of a retirement allowance adjusted under the provisions of paragraph (d) of subsection (3) of section 11 and of clause (4) of section 13, the present value of such adjusted retirement allowance shall be determined by tak-

ing into account the reduction applicable upon attainment of the age at which social security benefits are payable.

APPROVED—The 8th day of July, A. D. 1957.

GEORGE M. LEADER

No. 300

AN ACT

Amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," prescribing penalties for giving false information to telephone operators in certain cases.

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

Section 1. The act of June 24, 1939 (P. L. 872), known as "The Penal Code," is amended by adding, after section 871, a new section to read: Act of June 24, 1939, P. L. 872, amended by adding a new section 871.1.

Section 871.1. Fraudulent Telephone Calls.—Any person, with intent to defraud, who in making a telephone call gives information to the operator or agent of any telephone company so that the charge therefor is made to the account of another without his authorization shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of fifty dollars (\$50) and costs of prosecution or undergo imprisonment for thirty (30) days, or both.

APPROVED—The 8th day of July, A. D. 1957.

GEORGE M. LEADER

No. 301

AN ACT

Amending the act of July 28, 1953 (P. L. 723), entitled "An act relating to counties of the second class; amending, revising, consolidating and changing the laws relating thereto," authorizing employees of the Commonwealth of Pennsylvania to become members of the county retirement system upon becoming county employees, providing for payments into the county retirement fund by former State, city, borough and township employees and by their former employers.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: Second Class County Code.