

The board of commissioners may also, where practicable and desirable, provide offices in the county court house for headquarters for such cooperative work.

APPROVED—The 22nd day of August, A. D. 1961.

DAVID L. LAWRENCE

No. 470

AN ACT

Amending the act of June 1, 1959 (P. L. 350), entitled "An act relating to the retirement of public school employes; amending, revising, consolidating and changing the laws relating thereto," by further providing for optional membership.

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

Section 1. Subsection (1) of section 201 of the act of June 1, 1959 (P. L. 350), known as the "Public School Employes' Retirement Code of 1959," 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:

* * * * *

*(d) School employes in the Department of Public Instruction, State * Colleges, Thaddeus Stevens Trade School, Pennsylvania State Oral School for the Deaf, Scotland School for Veterans' Children and Pennsylvania State University, who are members of the retirement system on the effective date of this act and who file with the retirement board within one year after January 1, 1962, an election in writing to transfer such membership and become members of the State Employes' Retirement System.*

Section 2. This act shall take effect immediately.

APPROVED—The 22nd day of August, A. D. 1961.

DAVID L. LAWRENCE

No. 471

AN ACT

Amending the act of June 1, 1959 (P. L. 392), entitled "An act relating to the retirement of State employes; amending, revising, consolidating and changing the laws relating thereto," by changing definition of "State employe" and permitting certain members of the school employes' retirement system to elect to become members.

* "teachers" in original.

Public School Employes' Retirement Code of 1959.

Subsection (1), section 201, act of June 1, 1959, P. L. 350, amended by adding a new clause (d).

Act effective immediately.

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

State Employes' Retirement Code of 1959.

Section 1. Subparagraph (a) of paragraph 6 of section 102, act of June 1, 1959 (P. L. 392), known as the "State Employes' Retirement Code of 1959," amended August 4, 1959 (P. L. 621), is amended to read:

Subparagraph (a), paragraph 6, section 102, act of June 1, 1959, P. L. 392, amended August 4, 1959, P. L. 621, further amended.

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) "State Employee" shall mean a person in one or more of the following categories:

(a) Any person holding a State office or position under the Commonwealth, employed on a yearly or monthly basis by the State government of the Commonwealth, in any capacity whatsoever except any officer or employe employed on a per diem or hourly basis for less than one hundred (100) days or seven hundred fifty (750) hours other than a legislative employe, and except any officer or employe who has elected membership in the Public School Employes' Retirement System *and has not within one year after January 1, 1962, filed with the Public School Employes' Retirement Board an election in writing to transfer such membership and become a member of the State Employes' Retirement System.* Such definition shall include, but shall not be limited to—

(i) Any attorney, solicitor, investigator, appraiser and clerk employed by the year or by the month in the office of any register of wills, howsoever appointed, whose compensation is actually paid from Commonwealth moneys.

(ii) Any judge whose salary is paid by the Commonwealth, including the Chief Justice and any judge of the Supreme Court, the President Judge and any judge of the Superior Court, and any judge or associate judge not learned in the law 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.

(iii) Any clerk and secretary employed by a judge and paid on a yearly or monthly basis by such judge from moneys appropriated by the Commonwealth for such purposes.

(iv) Any person employed by the State Board of Law Examiners of the Supreme Court of Pennsylvania.

(v) Any present, future or former member of the General Assembly, who receives or has received a salary for regular and special sessions of the General Assembly

as fixed by law: Provided, That such member of the General Assembly shall not be deemed to be an employe of the Commonwealth for any purpose other than eligibility for membership and benefits under the provisions of this code.

(vi) Any officer or employe of the Pennsylvania State University paid on a yearly or monthly basis, other than one paid wholly from Federal funds.

(vii) Any State officer or employe, 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, is paid upon a per diem basis or by a fixed salary or compensation from the legislative session or who receives no fixed annual or monthly salary but is paid only on a per diem basis during legislative sessions and subsequent thereto.

(viii) Any employe of the respective institutions acquired by the Commonwealth from counties, cities, wards, boroughs, townships, institution districts and other political subdivisions that are actually used as State mental hospitals under the provisions of the act of September 29, 1938 (P. L. 53), as amended, or are actually used as State sanitoriums or hospitals for the reception and treatment of indigent persons affected with tuberculosis or in need of other hospital treatment.

(ix) Any officer or employe of the Pennsylvania State Police.

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Subsection (2), section 201 of the act, amended.

Section 2. Subsection (2) of section 201 of the act is amended to read:

Section 201. Mandatory and Optional Membership.—

* * * * *

(2) The State employes listed in subsection (1) clauses (a) through [(j)] (l) of this section shall have the right to elect membership in the State Employees' Retirement System. The State employes listed in subsection (1) [clauses (k), (l) and] clause (m) of this section shall not have the right to elect membership in the State Employees' Retirement System.

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APPROVED—The 22nd day of August, A. D. 1961.

DAVID L. LAWRENCE