

No. 352

AN ACT

To amend section 1 of the act, approved the sixth day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 1557), entitled "An act permitting the sale of mortgaged real estate under a judgment upon the bond accompanying such mortgage to be made by the sheriff upon a writ of fieri facias without inquisition and without any other writ," by extending the provisions thereof to promissory notes accompanying mortgages.

Mortgages.

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

Section 1, act of
May 6, 1929,
P. L. 1557,
amended.

Section 1. Section 1 of the act, approved the sixth day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 1557), entitled "An act permitting the sale of mortgaged real estate under a judgment upon the bond accompanying such mortgage to be made by the sheriff upon a writ of fieri facias without inquisition and without any other writ," is hereby amended to read as follows:

Sales of real
estate by sheriff
upon a bond or
promissory note
accompanying
a mortgage.

Section 1. Be it enacted, &c, That no inquisition shall be necessary in connection with the sale of real estate by the sheriff, upon a writ of fieri facias, issued upon a judgment entered upon a bond *or promissory note* accompanying a mortgage, secured upon the real estate to be sold; and the sheriff may, after giving notice in the manner now provided by law in cases of sales under writs of venditioni exponas, proceed to sell such real estate upon the said writ of fieri facias without any other writ whatever.

APPROVED—The 26th day of September, A. D. 1951.

JOHN S. FINE

No. 353

AN ACT

To amend the act, approved the eighteenth day of July, one thousand nine hundred seventeen (Pamphlet Laws 1043), 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 employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by clarifying certain provisions thereof and correcting grammatical and typographical errors therein.

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

Public School
Employees' Retirement System.

Subsection 7 of section 4, act of July 18, 1917, P. L. 1043, as amended by act of May 14, 1929, P. L. 1738, further amended.

Section 1. Subsection 7 of section 4 of the act, approved the eighteenth day of July, one thousand nine hundred seventeen (Pamphlet Laws 1043), 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 employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," as amended by the act, approved the fourteenth day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 1738), is hereby further amended to read as follows:

Section 4.

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7. In the years nineteen hundred twenty-one and nineteen hundred twenty-four, and in every fifth year thereafter, the actuary of the retirement board shall make an actuarial investigation into the mortality and service experience of the contributors and beneficiaries as defined in this act, and shall make a valuation of the various accounts created by this act, and, on the basis of such investigation and valuation, the retirement board shall—

(a) Adopt for the retirement system one or more mortality tables and such other tables as shall be deemed necessary;

(b) Certify the rates of deduction from salary necessary to pay the annuities authorized under the provisions of this act; and

(c) Certify the rates of contribution, expressed as a percentage of salary of new entrants at various ages, which shall be made by the Commonwealth to the *Public School Employees' Retirement Fund* and credited to the contingent reserve account.

Section 2. Subsection 5 of section 7 of said act, as last amended by the act, approved the twelfth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 698), is hereby further amended to read as follows:

Subsection 5 of section 7, said act, as last amended by act of July 12, 1935, P. L. 698, further amended.

[Five] 5. Each employer shall cause to be deducted on each [and every] payroll of a contributor, for each [and every] payroll period subsequent to June thirtieth, nineteen hundred thirty-five, such per centum as shall be certified to said employer by the retirement board as

* "ollows" in original.

proper, in accordance with the provisions of this act. The percentage so deducted shall be computed either— (1) on the total amount of salary earnable by the contributor in the payroll period for which the deductions are made, or (2) in the case of contributors who were employed during the year which began July first, one thousand nine hundred and thirty-two, and ended June thirtieth, one thousand nine hundred and thirty-three, in such contributors so elect, on the total amount or salary which was earnable by such contributor during such year. Each such contributor shall notify, in writing, his employer, on or before September first, one thousand nine hundred and thirty-five, upon which salary he or she elects to contribute.

In determining the amount earnable by a contributor in a payroll period, the retirement board may consider the rate of salary payable to such contributor on the first day of each regular payroll period as continuing throughout such payroll period, and it may omit salary deductions for any period less than a full payroll period in cases where the employe was not a contributor on the first day of the regular payroll period; and, to facilitate the making of the deductions, it may modify the deduction required of any contributor by such amount as shall not exceed one-tenth of one per centum of the salary upon the basis of which the deduction is to be made. The deductions provided herein shall be made, notwithstanding that minimum salaries provided for by the laws, ordinances, resolutions, or other acts of the Commonwealth, or of any other employer, shall be reduced thereby. Each employer shall certify to the treasurer of said employer, on each [and every] payroll, a statement as voucher for the amount so deducted, and shall send a duplicate of such statement to the secretary of the retirement board.

Subsection 1 of section 8, said act, as last amended by act of May 4, 1932, P. L. 265, further amended.

Section 3. Subsection 1 of section 8 of said act, as last amended by the act, approved the fourth day of May, one thousand nine hundred thirty-three (Pamphlet Laws 265), is hereby further amended to read as follows:

Section 8.

1. The fund and accounts hereby created are the *Public School Employes' Retirement Fund*, the *Contingent Reserve Account*, *State Annuity Reserve Account*, *State Annuity Reserve Account Number Two*, the *Employes' Annuity Savings Account*, the *Employes' Annuity Reserve Account*, and the *Administration Expense Account*.

Subsection 2 of section 8, said act, as amended by act of May 14, 1929, P. L. 1738, further amended.

Section 4. Subsection 2 of section 8 of said act, as amended by the act, approved the fourteenth day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 1738), is hereby further amended to read as follows:

Section 8.

* * * * *

2. The *Public School Employees' Retirement Fund*, on and after the first day of July, one thousand nine hundred twenty-nine, shall consist of all moneys in the several separate funds in the State Treasury, set apart to be used under the direction of the Public School Employees' Retirement Board for the retirement of members of the school employees' retirement association, which on the aforesaid date shall be consolidated into one special fund, to be known as the "*Public School Employees' Retirement Fund*"; and thereafter the Treasury Department shall credit to the "*Public School Employees' Retirement Fund*" all moneys received by it from the Department of Revenue, arising from contributions by the Commonwealth and members of the retirement association as hereinafter provided, and all interest earned by the investments or moneys of said fund. Upon the consolidation of the separate funds as aforesaid, there shall be established and maintained by the retirement board, for actuarial purposes, the several hereinafter named ledger accounts, equivalent to and which shall stand in lieu of the several separate funds hereby abolished, and all credits to each abolished fund shall be credited by the retirement board to the ledger account hereby created in place of said fund.

Section 5. Subsection 8 of section 8 of said act, as last amended by the act, approved the twenty-fifth day of April, one thousand nine hundred forty-nine (Pamphlet Laws 752) is hereby further amended to read as follows:

Subsection 8 of section 8, said act, as last amended by act of April 25, 1949. P. L. 752, further amended.

Section 8.

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8. No contributor shall be required to continue to contribute to the *Public School Employees' Retirement Fund* after he or she shall have become eligible for superannuation retirement; all contributions made thereafter to said Fund shall be voluntary: Provided, however, That this clause shall not apply to contributors in the one one-hundred-fortieth (1/140) class.

Section 6. Section 9 of said act, as amended by the act, approved the fourteenth day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 1738) is hereby further amended to read as follows:

Section 9, said act, as amended by act of May 14, 1929, P. L. 1738, further amended.

Section 9. The Commonwealth of Pennsylvania shall be reimbursed to the extent of one-half of the amount paid by the Commonwealth into the fund created by this act to the credit of the contingent reserve account and the State annuity reserve account number two on account of employes of each [other] employer, by payments into its treasury made directly by such employer,

or indirectly from moneys otherwise belonging to such employer. To facilitate the payments of amounts due from the treasurer of any employer to the treasurer of the Commonwealth, on account of the retirement system, and to permit the exchange of credits between the treasurer of the Commonwealth and the treasurer of any employer, the State Superintendent of Public Instruction and the State Treasurer are hereby authorized and empowered to cause to be deducted, and paid into or retained in the State Treasury, from the amount of any moneys due to any employer on account of any appropriation for schools or other purposes, the amount due to the State Treasury from such employer, in accordance with the provisions of this act. Corresponding amounts, which would be otherwise transferred to the treasury of the Commonwealth from the treasurer of such employer, may be credited to the accounts of the employer to which the moneys withheld by the Commonwealth were payable.

Subsection 1 of section 12, said act, as amended by acts of May 15, 1945, P. L. 521, and May 22, 1945, P. L. 827, further amended.

Section 7. Subsection 1 of section 12 of said act, as amended by the acts, approved the fifteenth day of May, one thousand nine hundred forty-five (Pamphlet Laws 521), and the twenty-second day of May, one thousand nine hundred forty-five (Pamphlet Laws 827), is hereby further amended to read as follows:

Section 12. 1. Should a contributor, by resignation or dismissal, or in any other way than by death or retirement, separate from the school service, or should such contributor legally withdraw from the retirement system, he or she shall be paid on demand, from the fund created by this act: (a) The full amount of the accumulated deductions standing to his or her individual credit in the annuity savings account, as of the date of such separation from school service, or, in lieu thereof, should he or she so elect, (b) an annuity or a deferred annuity, which shall be the actuarial equivalent of said accumulation deductions. His or her membership in the retirement [associations] *association* shall thereupon cease.

Clause 2 of section 14, said act, as last amended by act of May 26, 1949, P. L. 1818, further amended.

Section 8. Clause 2 of section 14 of said act, as last amended by the act, approved the twenty-sixth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1818), is hereby further amended to read as follows:

Section 14. Retirement for superannuation shall be as follows:

* * * * *

2. [Each and every] *Every* contributor who has attained or shall attain the age of seventy years shall be retired by the retirement board for superannuation, forthwith, or at the end of the school term in which said age of seventy years is attained.

Section 9. Options 1 and 2 of section 15 of said act, as last amended by the act, approved the twenty-second day of June, one thousand nine hundred thirty-one (Pamphlet Laws 864), is hereby further amended to read as follows:

Options 1 and 2 of section 15, said act, as last amended by act of June 22, 1931, P. L. 864, further amended

Section 15. At or before the time of his or her superannuation retirement, any contributor may elect, by written election duly executed and filed with the retirement board, to receive his or her benefits in a superannuation retirement allowance, payable throughout life; or he or she may, on superannuation retirement, elect to receive the actuarial equivalent at that time of his or her employe's annuity, his or her State annuity, or his or her superannuation retirement allowance, in a lesser employe's annuity, or a lesser State annuity, or a lesser superannuation retirement allowance, payable throughout life; with the provisions that:

Option 1. If he or she die before he or she has received in payments the present value of his or her employe's annuity, his or her State annuity, or his or her superannuation retirement allowance, as it was at the time of his or her superannuation retirement, the balance shall be paid to his or her legal representatives, or to such person as he or she shall nominate by written designation, duly acknowledged, and filed with the retirement board.

Option 2. Upon his or her death, his or her employe's annuity, his or her State annuity, or his or her superannuation retirement allowance shall be continued throughout the life of and paid to such person as he or she shall nominate by written designation, duly acknowledged, and filed with the retirement board at the time of his or her superannuation retirement.

Section 10. The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 26th day of September, A. D. 1951.

JOHN S. FINE

No. 354

AN ACT

To further amend the title and section four of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 2045), entitled, as amended, "An act relating to the support of indigent persons; providing for the support of such persons by certain relatives, and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure," by further defining the liability of property for expenses incurred for support, maintenance, assistance and burial.