

maintaining, and operating the structures, facilities, or undertakings similar to those designated herein as projects.

Except as otherwise provided by law, when projects are to be constructed, improved, equipped, furnished, maintained, repaired or operated for the use of any department of the Commonwealth, as hereinbefore listed in this section, no plans or specifications therefor shall be presented for quotations or bids until such plans and specifications shall have been submitted to and approved by the department of the Commonwealth which shall use such project, the Department of Property and Supplies, the Department of Labor and Industry, and any other department of the Commonwealth having any jurisdiction over the projects, so that the project will conform to standards established by these departments.

Provided further, That the Authority shall have no power at any time or in any manner to pledge the credit or taxing power of the Commonwealth or any of its cities, counties, school districts, or other political subdivisions, nor shall any of its obligations or debts be deemed to be obligations of the Commonwealth or any of its cities, counties, school districts, or political subdivisions, nor shall the Commonwealth or any city, county, school district, or political subdivision thereof be liable for the payment of principal of, or interest on, such obligations.

Section 2. Twenty-five million dollars (\$25,000,000) of the increase herein authorized shall be used solely for flood control projects.

Amount allocated
for flood control
projects.

APPROVED—The 5th day of January, A. D. 1952.

JOHN S. FINE

No. 491

AN ACT

To provide for the coverage of certain officers and employees of the Commonwealth and its political subdivisions under the old-age and survivor insurance provisions of Title II of the Federal Social Security Act, as amended; creating the State Agency and conferring powers and imposing duties upon the State Agency; authorizing the State Agency to enter into agreements with the Federal Security Administrator and with political subdivisions under certain terms and conditions; providing for the Commonwealth's contribution under agreements with the Federal Security Administrator and for the collection and payment of employer and employe contributions; authorizing interstate cooperation in certain cases; creating a Contribution Fund; and making appropriations.

Social security.

Old-age and survivor insurance provisions of Federal Social Security Act extended to cover certain officers and employes of Commonwealth and its political subdivisions.

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

Section 1. Declaration of Policy.—In order to extend to employes, except those hereinafter excluded from the provisions of the act, of the Commonwealth and its political subdivisions and of the instrumentalities of either and to the dependents and survivors of such employes, the basic protection accorded to others by the old-age and survivors insurance system embodied in the Social Security Act, it is hereby declared to be the policy of the General Assembly, subject to the limitations of this act, that such steps be taken as to provide such protection to employes of the Commonwealth and its political subdivisions and to the instrumentalities of either on as broad a basis as is permitted under the Federal Social Security Act.

Section 2. Definitions.—The following words and phrases shall have the meaning ascribed to them in this section unless the context clearly indicates otherwise:

(a) "Social Security Act" means the Act of Congress, approved the fourteenth day of August, one thousand nine hundred thirty-five, Chapter 531, 49 Statutes 620, officially cited as the "Social Security Act" (including regulations and requirements issued pursuant thereto), as such act has been and may from time to time be amended.

(b) "Federal Insurance Contributions Act" means subchapter A of Chapter 9 of the Federal Internal Revenue Code, as such code has been and may from time to time be amended.

(c) "Political subdivision" includes a city, borough, incorporated town, township, county, county institution district, school district, vocational school district, municipal authority, and any instrumentality or agency of the Commonwealth, or one or more of its political subdivisions, or of the Commonwealth and one or more of its political subdivisions, but only if such instrumentality or agency is an entity which is legally separate and distinct from the Commonwealth or political subdivision, and only if its employes are not by virtue of their relation to such legal entity employes of the Commonwealth or political subdivision; except that the limitations upon instrumentalities or agencies of political subdivisions shall not apply in the case of joint-county departments of health. There shall be included in a political subdivision, as defined herein, any department, agency, board or other means heretofore or hereafter created for the charge or the administration by the political subdivision, of property and estates dedicated to charitable uses or trusts, now or which shall here-

after become vested in or confided to the political subdivision.

(d) "State Agency" means the agency created under section three hereof.

(e) "Federal Agency" includes any individual, department or agency as is charged, on behalf of the Federal Government, by or under the applicable Federal law, with the particular Federal function referred to in this act in connection with such term.

(f) "Employee" includes an officer or employe of a State political subdivision or instrumentality thereof.

(g) "Employment" means any service performed by an employe in the employ of the Commonwealth, any political subdivision, or instrumentality of either, for such employe, except (1) service which, in the absence of an agreement entered into under this act, would constitute "employment" as defined in the Social Security Act; or (2) service performed by employes in positions covered by a retirement system, pension or annuity retirement plan, or similar fund, system or plan, established by the Commonwealth or by a political subdivision, on the date an agreement between the State Agency and the Federal Security Administrator applicable to such service, is entered into, or other service which, under the applicable Federal law, may not be included in an agreement between the Commonwealth and the Federal Security Administrator entered into under this act.

(h) "Wages" means all remuneration for employment as defined herein, including the cash value of all remuneration paid in any medium other than cash, except that such term shall not include that part of such remuneration which, even if it were for "employment" within the meaning of the Federal Insurance Contributions Act, would not constitute "wages" within the meaning of that act.

(i) "Applicable Federal Law" refers to the provisions of Federal law, Public Law seven hundred thirty-four, eighty-first Congress (including Federal regulations and requirements issued pursuant thereto), which provide for extending the benefits of Title II of the Social Security Act to employes of states, political subdivisions and their instrumentalities.

Section 3. State Agency.—A State Agency is hereby created to carry out the provisions of this act, which shall consist of the Secretary of Labor and Industry. He shall, with the approval of the Governor, appoint such additional employes as may be deemed necessary to carry on the work required by this act, and fix the salary or compensation of such additional employes.

Section 4. (a) Federal-State Agreement.—The State Agency, with the approval of the Governor, is hereby

authorized to enter on behalf of the Commonwealth into an agreement with the Federal Security Administrator, consistent with the terms and provisions of this act, for the purpose of extending the benefits of the Federal old-age and survivors insurance system to employes of the Commonwealth or any political subdivision thereof, with respect to services specified in such agreement which constitute "employment" as defined in section two of this act. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration, and other appropriate provisions, as the State Agency and Federal Security Administrator shall agree upon, but, except as may be otherwise required by or under the Social Security Act as to the service to be covered, such agreement shall provide in effect that—

(1) Benefits will be provided for employes whose services are covered by the agreement and their dependents and survivors on the same basis as though such services constituted employment within the meaning of Title II of the Social Security Act;

(2) The Commonwealth will pay to the Federal Agency, at such time or times as prescribed by the applicable Federal law and by regulations promulgated thereunder, contributions with respect to wages (as defined in section two of this act), equal to a sum not in excess of three percent (3%) of such wages received during the calendar years one thousand nine hundred fifty-one - one thousand nine hundred fifty-three inclusive; four percent (4%) of such wages received during the calendar years one thousand nine hundred fifty-four - one thousand nine hundred fifty-nine inclusive; five percent (5%) of such wages received during the calendar years one thousand nine hundred sixty - one thousand nine hundred sixty-four inclusive; six percent (6%) of such wages received during the calendar years one thousand nine hundred sixty-five - one thousand nine hundred sixty-nine inclusive; and six and one-half percent (6½%) of such wages received during the calendar year one thousand nine hundred seventy and thereafter. The actual amount of the contributions to be made under the provisions of this paragraph shall be the amount necessary to carry out the provisions of this act and the agreement entered into in accordance therewith, which amounts shall, from time to time, be determined by the State Agency, subject to the limitations herein prescribed;

(3) Such agreement shall be effective with respect to services, in employment covered by the agreement, performed on and after the first day of January, one thousand nine hundred fifty-one, or such later date as may be specified in the agreement;

(4) All services which constitute employment, as defined in section two, and are performed in the employ of the Commonwealth by employes of the Commonwealth, shall be covered by the agreement; and,

(5) All services which constitute employment, as defined in section two, are performed in the employ of a political subdivision of the State, and are covered by a plan which is in conformity with the terms of the agreement and has been approved by the State Agency under section five, shall be covered by the agreement.

(b) Interstate Instrumentalities.—Any instrumentality jointly created by this Commonwealth and any other state or states is hereby authorized, upon the granting or existence of like authority by such other state or states, (1) to enter into an agreement with the Federal Security Administrator whereby the benefits of the Federal old-age and survivors insurance system shall be extended to employes of such instrumentality, (2) to require its employes to pay, and for that purpose to deduct from their wages, contributions equal to the amounts which they would be required to pay under section five (a) if they were covered by an agreement made pursuant to subsection (a) of this section, and (3) to make payments to the Federal agency in accordance with such agreement, including payments from its own funds and otherwise, to comply with such agreements.

Section 5. Contributions by State Employes.—(a) Every employe of the Commonwealth, whose services are covered by an agreement entered into under section four, shall be required to pay for the period of such coverage, into the Contribution Fund established by section seven, contributions, with respect to wages (as defined in section two of this act), not in excess of one and one-half percent ($1\frac{1}{2}\%$) of such wages received during the calendar years one thousand nine hundred fifty-one - one thousand nine hundred fifty-three inclusive; two percent (2%) of such wages received during the calendar years one thousand nine hundred fifty-four - one thousand nine hundred fifty-nine inclusive; two and one-half percent ($2\frac{1}{2}\%$) of such wages received during the calendar years one thousand nine hundred sixty-one - one thousand nine hundred sixty-four inclusive; three percent (3%) of such wages received during the calendar years one thousand nine hundred sixty-five - one thousand nine hundred sixty-nine inclusive; and three and one-fourth per cent ($3\frac{1}{4}\%$) of such wages received during the calendar year one thousand nine hundred seventy and thereafter. The actual amount of the contributions to be made under the provisions of this paragraph shall be the amount necessary to carry out the provisions of this act and the agreement entered into in accordance there-

with, which amounts shall, from time to time, be determined by the State Agency, subject to the limitations herein prescribed; such liability shall arise in consideration of the employes retention in the service of the Commonwealth, or his entry upon such service after the enactment of this act.

(b) The contribution imposed by this section shall be collected by each salary paying agency by deducting the amount of the contribution from wages as and when paid, but failure to make such deduction shall not relieve the employe from liability for such contribution.

(c) If more or less than the correct amount of the contribution imposed by this section is paid or deducted with respect to any remuneration, proper adjustments, or refund if adjustment is impracticable, shall be made, without interest, in such manner and at such times as the State Agency shall prescribe.

Section 6. Plans for Coverage of Employes of Political Subdivisions.—(a) Each political subdivision of the Commonwealth is hereby authorized to submit for approval by the State Agency a plan for extending the benefits of Title II of the Social Security Act, in conformity with applicable provisions of such act, to employes of such political subdivision. Each such plan and any amendment thereof shall be approved by the State Agency if it finds that such plan, or such plan as amended, is in conformity with such requirements as are provided in regulations of the State Agency, except that no such plan shall be approved unless—

(1) it is in conformity with the requirements of the Social Security Act and with the agreement entered into under section four;

(2) it provides that all services which constitute employment, as defined in section two, and are performed in the employ of the political subdivision by employes thereof, shall be covered by the plan;

(3) it specifies the source or sources from which the funds necessary to make the payments required by paragraph (1) of subsection (c) and by subsection (d) of this section are expected to be derived, and contains reasonable assurance that such sources will be adequate for such purpose;

(4) it provides for such methods of administration of the plan by the political subdivision as are found by the State Agency to be necessary for the proper and efficient administration of the plan;

(5) it provides that the political subdivision will make such reports, in such form and containing such information as the State Agency may from time to time require, and comply with such provisions as the State Agency

or the Federal Agency may from time to time find necessary to assure the correctness and verification of such reports; and,

(6) it authorizes the State Agency to terminate the plan in its entirety, in the discretion of the State Agency, if it finds that there has been a failure to comply substantially with any provision contained in such plan, such termination to take effect at the expiration of such notice and on such conditions as may be provided by regulations of the State Agency and may be consistent with the provisions of the Social Security Act.

(b) The State Agency shall not finally refuse to approve a plan submitted by a political subdivision under subsection (a), and shall not terminate an approved plan, without reasonable notice and opportunity for hearing to the political subdivision affected thereby.

(c) (1) Each political subdivision as to which a plan has been approved under this section shall pay into the Contribution Fund, with respect to wages (as defined in section two of this act), at such time or times as the State Agency may by regulation prescribe, contributions in the amounts and at the rates specified in the applicable agreement entered into by the State Agency under section four.

(2) Each political subdivision required to make payments under paragraph (1) of this subsection is authorized, in consideration of the employe's retention in or entry upon employment after enactment of this act, to impose upon each of its employes, as to services which are covered by an approved plan, a contribution with respect to his wages (as defined in section two of this act), not exceeding the amount of contributions by Commonwealth employes, as provided in subsection (a) of section five of this act, and to deduct the amount of such contribution from his wages as and when paid. Contributions so collected shall be paid into the Contribution Fund in partial discharge of the liability of such political subdivision under paragraph (1) of this subsection. Failure to deduct such contribution shall not relieve the employe or employer of liability therefor.

(d) Delinquent payments due under paragraph (1) of subsection (c) may, with interest at the rate of six (6) per centum per annum, be recovered, by action in a court of competent jurisdiction, against the political subdivision liable therefor, or may, at the request of the State Agency, be deducted from any other moneys payable to such political subdivision by any department or agency of the Commonwealth.

Section 7. Contribution Fund.—(a) There is hereby created as a special fund in the State Treasury, the Contribution Fund. Such fund shall consist of and there

shall be deposited in such fund: (1) all contributions, interest and penalties collected under sections five and six; (2) all moneys appropriated thereto under this act; (3) any property or securities and earnings thereof acquired through the use of moneys belonging to the fund; (4) interest earned upon any moneys in the fund; and (5) all sums recovered upon the bond of the custodian or otherwise for losses sustained by the fund and all other moneys received for the fund from any other source. All moneys in the fund shall be mingled and undivided. Subject to the provisions of this act, the State Agency is vested with full power, authority and jurisdiction over the fund, including all moneys and property or securities belonging thereto, and may perform any and all acts, whether or not specifically designated, which are necessary to the administration thereof and are consistent with the provisions of this act.

(b) The Contribution Fund shall be established and held separate and apart from any other funds or moneys of the Commonwealth, and shall be used and administered exclusively for the purpose of this act. Withdrawals from such fund shall be made for and solely for payment of amounts required to be paid to the Federal Agency pursuant to an agreement entered into under section four, payment of refunds provided for in section five (c) of this act, and refunds of overpayments, not otherwise adjustable, made by a political subdivision.

(c) From the Contribution Fund the State Treasurer, upon warrant of the State Agency, shall pay to the Federal Agency such amounts and at such time or times as may be directed by the State Agency, in accordance with any agreement entered into under section four and the Social Security Act.

(d) (1) There are hereby authorized to be appropriated biennially to the Contribution Fund, in addition to the contributions collected and paid into the Contribution Fund under sections five and six, to be available for the purposes of section seven (b) and (c) until expended, such additional sums as are found to be necessary in order to make the payments to the Federal Agency which the Commonwealth is obligated to make pursuant to an agreement entered into under section four.

(2) The State Agency shall submit to each regular session of the General Assembly, at least ninety (90) days in advance of the beginning of such session, an estimate of the amounts authorized to be appropriated to the Contribution Fund by paragraph (1) of this subsection for the next fiscal biennium.

Section 8. Rules and Regulations.—The State Agency is hereby authorized and empowered to make

such rules and regulations, not inconsistent with the provisions of this act, as it finds necessary or appropriate to the efficient administration of the functions with which it is charged under this act.

Section 9. Studies and Reports.—The State Agency shall make studies concerning the problem of old-age and survivors insurance protection for employes of the Commonwealth and local governments and their instrumentalities, and concerning the operation of agreements made and plans approved under this act, and shall submit a report to the General Assembly, at the beginning of each regular session, covering the administration and operation of this act during the preceding biennium, including such recommendations for amendments to this act as the State Agency considers proper.

Section 10. Administrative Appropriation.—For the purpose of administering the provisions of this act for the biennium beginning the first day of June, one thousand nine hundred fifty-one, and ending the thirty-first day of May, one thousand nine hundred fifty-three, there is hereby appropriated to the State Agency the sum of forty thousand dollars (\$40,000).

Appropriation.

Section 11. The sum of one hundred thousand dollars (\$100,000) is hereby appropriated to the State Agency to be paid into the Contribution Fund.

Section 12. Repeal.—All acts and parts of acts are hereby repealed insofar as they are inconsistent with the provisions of this act.

Section 13. Effective Date.—The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 5th day of January, A. D. 1952.

JOHN S. FINE

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No. 492

AN ACT

Fixing the fees or costs to be charged by aldermen, magistrates and justices of the peace, and imposing liability therefor upon the county in certain cases.

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

“Minor Judiciary Fee Bill.”

Section 1. Short Title; Scope.—(a) This act shall be known and may be cited as the “Minor Judiciary Fee Bill.”

(b) After the effective date of this act, the fees to be charged by aldermen, justices of the peace and magistrates, hereinafter referred to as “the minor judiciary,” shall be as fixed by this act.