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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1496 Session of  
2013

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INTRODUCED BY HALUSKA, HARHAI, CALTAGIRONE, P. DALEY, GAINEY,  
HAGGERTY AND KORTZ, JUNE 10, 2013

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 10, 2013

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AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania  
2 Consolidated Statutes, further providing for creditable  
3 nonstate service and for contributions for the purchase of  
4 credit.

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

7 Section 1. Section 5304(c) of Title 71 of the Pennsylvania  
8 Consolidated Statutes is amended by adding a paragraph and the  
9 section is amended by adding a subsection to read:

10 § 5304. Creditable nonstate service.

11 \* \* \*

12 (b.1) Prohibition.--In no event shall the service be  
13 creditable for persons eligible under subsection (c)(9) if the  
14 member has received, is entitled to receive, is eligible to  
15 receive now or in the future or is receiving retirement benefits  
16 for such service or has retirement credit or has now or acquires  
17 in the future retirement credit under a retirement system  
18 administered and wholly or partially paid for by any other  
19 governmental agency, private employer or labor organization. In

1 the event that nonstate service credit is granted for the  
2 service and the member subsequently receives credit for the  
3 service that is prohibited by this paragraph, the nonstate  
4 service credited shall be canceled and any member contributions  
5 and interest paid by the member under section 5505(i)(2) shall  
6 be refunded to the member by the board.

7 (c) Limitations on nonstate service.--Creditable nonstate  
8 service credit shall be limited to:

9 \* \* \*

10 (9) Service by mine inspectors, electrical inspectors  
11 and emergency response training specialists employed in  
12 accordance with the act of July 7, 2008 (P.L.654, No.55),  
13 known as the Bituminous Coal Mine Safety Act, or the act of  
14 November 10, 1965 (P.L.721, No.346), known as the  
15 Pennsylvania Anthracite Coal Mine Act. This service time may  
16 be purchased for the period of previous employment in mining  
17 required for employment and certification, if any, under the  
18 Bituminous Coal Mine Safety Act or the Pennsylvania  
19 Anthracite Coal Mine Act, as applicable, not exceeding five  
20 years, provided that such service is certified by the  
21 previous employer and contributions are agreed upon and made  
22 in accordance with section 5505. Persons eligible under this  
23 paragraph may purchase service only after earning ten  
24 eligibility points for service performed as a State employee  
25 and shall purchase service within three years of becoming  
26 eligible. Failing to purchase service within three years of  
27 becoming eligible shall preclude the purchase of service  
28 under this paragraph.

29 \* \* \*

30 Section 2. Section 5505(d) of Title 71 is amended and the

1 section is amended by adding a subsection to read:

2 § 5505. Contributions for the purchase of credit for creditable  
3 nonstate service.

4 \* \* \*

5 (d) Nonmilitary and nonmagisterial service.--Contributions  
6 made under subsection (j) notwithstanding, contributions on  
7 account of credit for creditable nonstate service other than  
8 military and magisterial service by State employees who first  
9 become members of the system before January 1, 2011, or before  
10 December 1, 2010, as a member of the General Assembly shall be  
11 determined by applying the member's basic contribution rate, the  
12 additional contribution rate plus the Commonwealth normal  
13 contribution rate for active members at the time of entry  
14 subsequent to such creditable nonstate service of the member  
15 into State service to his compensation at the time of entry into  
16 State service and multiplying the result by the number of years  
17 and fractional part of a year of creditable nonstate service  
18 being purchased together with statutory interest during all  
19 periods of subsequent State and school service to the date of  
20 purchase. Upon application for credit for such service payment  
21 shall be made in a lump sum within 30 days or in the case of an  
22 active member or eligible school employee who is an active  
23 member of the Public School Employees' Retirement System it may  
24 be amortized with statutory interest through salary deductions  
25 in amounts agreed upon by the member and the board. The salary  
26 deduction amortization plans agreed to by members and the board  
27 may include a deferral of payment amounts and statutory interest  
28 until the termination of school service or State service as the  
29 board in its sole discretion decides to allow. The board may  
30 limit salary deduction amortization plans to such terms as the

1 board in its sole discretion determines. In the case of an  
2 eligible school employee who is an active member of the Public  
3 School Employees' Retirement System, the agreed upon salary  
4 deduction shall be remitted to the Public School Employees'  
5 Retirement Board, which shall certify and transfer to the board  
6 the amounts paid.

7 \* \* \*

8 (j) Purchase of service credit by certain mine workers.--

9 (1) The amount due for the purchase of credit for mining  
10 service as authorized under subsection (a) shall be  
11 determined by applying the member's basic contribution rate,  
12 the additional contribution rate plus the Commonwealth normal  
13 contribution rate for active members at the time of entry,  
14 subsequent to such mining service, of the member into State  
15 service to his average annual rate of compensation over the  
16 first three years of such subsequent State service and  
17 multiplying the result by the number of years of creditable  
18 mining service being purchased together with statutory  
19 interest during all periods of subsequent State service to  
20 date of purchase. Applicants purchasing credit under this  
21 subsection shall make only one purchase up to the total  
22 amount for which they are eligible.

23 (2) The purchase payment may be made in a lump sum by  
24 the member within 30 days of certification by the board of  
25 the required purchase amount or may be amortized with  
26 statutory interest through salary deductions in amounts  
27 agreed upon by the member and the board. The salary deduction  
28 amortization plans agreed to by members and the board may  
29 include a deferral of payment amounts and statutory interest  
30 until the termination of State service as the board in its

1 sole discretion decides to allow. The board may limit salary  
2 deduction amortization plans to such terms as the board in  
3 its sole discretion determines.

4 Section 3. This act shall take effect in 120 days.