

Chapter 19
Utah Governors' and Legislators' Retirement Act

Part 1
General Provisions

49-19-101 Title.

This chapter is known as the "Utah Governors' and Legislators' Retirement Act."

Renumbered and Amended by Chapter 250, 2002 General Session

49-19-102 Definitions.

As used in this chapter:

- (1) "Governor" includes former governors.
- (2) "Legislator" includes former legislators.
- (3) "Plan" means the Utah Governors' and Legislators' Retirement Plan created under this chapter.

Enacted by Chapter 250, 2002 General Session

49-19-103 Creation of plan.

There is created for Utah governors and legislators the "Utah Governors' and Legislators' Retirement Plan."

Renumbered and Amended by Chapter 250, 2002 General Session

49-19-104 Creation of trust fund.

- (1) There is created the "Utah Governors' and Legislators' Retirement Trust Fund" for the purpose of paying the benefits and costs of administering this plan.
- (2) The fund shall consist of all money paid into it, including interest, in accordance with this chapter, whether in the form of cash, securities, or other assets, and of all money received from any other source.
- (3) Custody, management, and investment of the fund shall be governed by Chapter 11, Utah State Retirement Systems Administration.

Renumbered and Amended by Chapter 250, 2002 General Session

Part 2
Membership Eligibility

49-19-201 Plan participation -- Eligibility.

- (1) A governor or legislator is eligible for service credit in this plan during their term of service in their elected position if the governor or legislator:
 - (a) entered office before July 1, 2011; or
 - (b) accrued service credit in a Tier I system or plan administered by the board before July 1, 2011.

- (2) A governor or legislator initially entering office on or after July 1, 2011, who does not have service credit accrued before July 1, 2011, in a Tier I system or plan administered by the board:
- (a) may not participate in this system;
 - (b) is only eligible to participate in the Tier II Defined Contribution Plan established under Chapter 22, Part 4, Tier II Defined Contribution Plan; and
 - (c) is not eligible to participate in the Tier II hybrid retirement system established under Chapter 22, Part 3, Tier II Hybrid Retirement System.

Amended by Chapter 15, 2014 General Session

Part 3 Contribution

49-19-301 Contribution rate -- Annual legislative appropriation.

- (1) The Legislature, by means of annual appropriations, shall maintain this plan on a financially and actuarially sound basis.
- (2) The Legislature shall cause the appropriate amount to be paid to the office.

Renumbered and Amended by Chapter 250, 2002 General Session

Part 4 Defined Benefit

49-19-401 Eligibility for an allowance -- Governor -- Legislator.

- (1) A governor is qualified to receive an allowance when:
 - (a) the governor has submitted to the office a retirement application form that states the proposed retirement date; and
 - (b) one of the following conditions is met as of the retirement date:
 - (i) the governor has completed at least one full term in office and has attained an age of 65 years; or
 - (ii) the governor has served as governor of the state for at least 10 years and has attained an age of 62 years.
- (2) A legislator is qualified to receive an allowance when:
 - (a) the legislator has submitted to the office a retirement application form that states the proposed retirement date; and
 - (b) one of the following conditions is met as of the retirement date:
 - (i) the legislator has completed at least four years in the Legislature and has attained an age of 65 years; or
 - (ii) the legislator has completed at least 10 years in the Legislature and has attained an age of 62 years.
- (3)
 - (a) The retirement date shall be the 1st or the 16th day of the month as selected by the member.
 - (b) The retirement date may not be more than 90 days before or after the date the application is received by the office.

- (4) A member who withdraws member contributions shall forfeit all allowances based on those contributions.
- (5) If a retired legislator is elected to another term in the Legislature or continues to serve in the Legislature, the legislative allowance ceases at the beginning of each session under rules established by the board, but is restored at the same amount at the end of the session.
- (6) A member receiving an allowance while serving as a legislator is eligible for additional service credits and allowance adjustments at the end of each term of office if the legislator continues as a contributing member during the member's service as a legislator.

Amended by Chapter 15, 2014 General Session

49-19-402 Calculation of allowance -- Reduction for early retirement.

- (1)
 - (a) The base retirement amount for a governor under this plan is \$500 per term, adjusted as provided in Section 49-19-404 since 1973.
 - (b) A governor's allowance shall be calculated by multiplying the base retirement amount at the retirement date by the number of terms the governor served, including fractions of terms.
- (2)
 - (a) The base retirement amount for a legislator under this plan is \$10 per year of service in the Legislature, adjusted as provided in Section 49-19-404, since 1967.
 - (b) A legislator's allowance shall be calculated by multiplying the base retirement amount at the retirement date by the number of years the legislator served, including fractions of years.
- (3) If a governor or legislator retires prior to age 65, the allowance shall be reduced by 3% for each year of retirement between age 62 and age 65.

Amended by Chapter 118, 2004 General Session

49-19-403 Retirement option.

A governor or legislator may elect to forfeit the allowance provided by this chapter and in lieu thereof participate, on the same basis as other state elected and appointed officers under Title 67, Chapter 22, State Officer Compensation, in a defined contribution plan administered by the office, in accordance with Section 49-11-801 and in accordance with federal law.

Enacted by Chapter 250, 2002 General Session

49-19-404 Annual cost-of-living adjustment.

- (1) The office shall make an annual cost-of-living adjustment to:
 - (a) an original allowance paid under Section 49-19-402 and Part 5, Death Benefit, of this chapter if the benefit has been paid for at least one year;
 - (b) an original payment made to an alternate payee under a domestic relations order, if the payment is to be paid as a percentage of the allowance rather than a specific dollar amount; and
 - (c) the base retirement amount for governors and legislators under Section 49-19-402.
- (2)
 - (a) The original allowance shall be increased by the annual increase in the Consumer Price Index up to a maximum of 4%.

- (b) Annual increases in the Consumer Price Index in excess of 4% shall be accumulated and used in subsequent adjustments when the increase in the Consumer Price Index is less than 4%.
- (3) The Consumer Price Index used in calculating adjustments shall be a United States Bureau of Labor Statistics Consumer Price Index average as determined by the board.
- (4) The cost-of-living adjustment made under this section may not decrease the allowance.

Enacted by Chapter 250, 2002 General Session

Part 5 Death Benefit

49-19-501 Death of member or retiree -- Surviving spouse benefit.

- (1) Upon the death of a governor or legislator who has not yet retired and who has completed four or more years in the elected office, the member's surviving spouse shall receive an allowance equal to 50% of the allowance to which the governor or legislator would have been entitled upon reaching age 65, if the governor or legislator and surviving spouse had been married at least six months.
- (2) Upon the death of a governor or legislator receiving an allowance under this plan, the member's surviving spouse is entitled to an allowance equal to 50% of the allowance being paid to the member at the time of death.
- (3)
 - (a) A surviving spouse who requests a benefit under this section shall apply in writing to the office.
 - (b) The allowance shall begin on the first day of the month:
 - (i) following the month in which the member died, if the application is received by the office within 90 days of the member's death; or
 - (ii) following the month in which the application is received by the office, if the application is received by the office more than 90 days after the member's death.

Amended by Chapter 84, 2016 General Session

49-19-502 Surviving spouse at the time of death includes certain former spouses -- Benefit calculation for former spouse.

- (1) The benefit calculation for a surviving spouse with a valid domestic relations order benefits on file with the office before the member's death date in accordance with Section 49-11-612 is calculated according to the manner in which the court order specified benefits to be partitioned, whether as a fixed amount or as a percentage of the benefit.
- (2) If the death benefits under this section are partitioned among more than one surviving spouse due to domestic relations order benefits on file with the office before the member's death date in accordance with Section 49-11-612, the total amount received by the surviving spouses may not exceed the death benefits normally provided to one surviving spouse under this section.

Enacted by Chapter 84, 2016 General Session

