

1st Sub. S.B. 43

POST-RETIREMENT EMPLOYMENT AMENDMENTS

Senator **Daniel R. Liljenquist** proposes the following amendments:

1. *Page 1, Lines 20 through 24:*

20 ▶ provides that a participating employer who hires a retiree before July 1, 2010 {~~;~~
21 —•} may not contribute an amount that exceeds the normal cost rate to a qualified
22 defined contribution plan; {~~and~~
23 —•} **shall contribute the amortization rate for the reemployed retiree to the retirement**
24 **system that would have covered the retiree in the new position;**}

2. *Page 11, Line 333 through Page 12, Line 353:*

333 (8) (a) If a participating employer hires a [~~nonexempt~~] retiree, on a full-time basis, who
334 may not earn additional service credit under [~~this section~~] Subsection (4), the participating
335 employer {~~;~~
336 —(i)} may not contribute an amount that exceeds the normal cost rate as defined under
337 Section 49-11-102 to a plan for the retiree under Subsection (8)(b) {~~;~~**and**
338 —(ii) **shall contribute the**} [~~same percentage of a retiree's salary that the participating~~
339 ~~employer would have been required to contribute if the retiree were an active member, up to~~
340 ~~the amount allowed by federal law.~~] {**amortization rate, as defined under Section 49-11-102, for**
341 **the retiree to the office to be credited to the system that would have covered the retiree in the**
342 **new position**} .
343 (b) The contributions under Subsection (8)(a) {~~(i)~~} are not required, but if paid, shall be
344 paid to a retiree-designated:
345 (i) qualified defined contribution plan administered by the board, if the participating
346 employer participates in a qualified defined contribution plan administered by the board; or
347 (ii) qualified defined contribution plan offered by the participating employer if the
348 participating employer does not participate in a qualified defined contribution plan
349 administered by the board.
350 (c) Notwithstanding the provisions of Subsection (8)(b), if an employer is not
351 participating in a qualified defined contribution plan administered by the board, the employer
352 may elect to pay the contributions under Subsection (8)(a) {~~(i)~~} to a nonqualified deferred
353 compensation plan administered by the board.