

HB0025 compared with HB0025S01

49-11-602 (Effective 07/01/25), as last amended by Laws of Utah 2024, Chapter 421 (**Effective 07/01/25**), as last amended by Laws of Utah 2024, Chapter 421

21 **49-11-623 (Effective 07/01/25)**, as last amended by Laws of Utah 2015, Chapter 364 (**Effective 07/01/25**), as last amended by Laws of Utah 2015, Chapter 364

22 **49-11-626 (Effective 07/01/25)**, as last amended by Laws of Utah 2023, Chapter 512 (**Effective 07/01/25**), as last amended by Laws of Utah 2023, Chapter 512

23 REPEALS:

24 **49-20-415** , as last amended by Laws of Utah 2024, Chapter 381 , as last amended by Laws of Utah 2024, Chapter 381

25

26 *Be it enacted by the Legislature of the state of Utah:*

27 Section 1. Section **49-11-602** is amended to read:

28 **49-11-602. Participating employer to maintain records -- Time limit -- Penalties for failure to comply.**

33 (1) A participating employer shall:

34 (a) maintain records necessary to calculate benefits under this title and other records necessary for proper administration of this title as required by the office; and

36 (b) maintain records that indicate whether an employee is receiving:

37 (i) a benefit under state or federal law that, under Subsection 49-12-102(1)(b)(vi) or (vii), is excluded from the definition of benefits normally provided for purposes of Chapter 12, Public Employees' Contributory Retirement Act, Chapter 13, Public Employees' Noncontributory Retirement Act, or Chapter 22, New Public Employees' Tier II Contributory Retirement Act; or

42 (ii) a benefit under a benefit package generally offered to similarly situated employees.

44 (2) A participating employer shall maintain all records necessary to support the participating employer's reports and certifications required by Section 49-11-603.

46 (3) A participating employer shall maintain the records required under Subsections (1) and (2) until the earliest of:

48 (a) [~~three~~] four years after the date of retirement of the employee from a system or plan;

49 (b) [~~three~~] four years after the date of death of the employee; or

50 (c) 65 years from the date of employment with the participating employer.

51 (4) A participating employer shall be liable to the office for:

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- 52 (a) any liabilities and expenses, including administrative expenses and the cost of increased benefits to
members, resulting from the participating employer's failure to maintain records under this section;
and
- 55 (b) a penalty equal to 1% of the participating employer's last month's contributions.
- 56 (5) The executive director may waive all or any part of the interest, penalties, expenses, and fees if
the executive director finds there were extenuating circumstances surrounding the participating
employer's failure to comply with this section.
- 59 (6) The office may estimate the length of service, compensation, or age of any member, if that
information is not contained in the records.
- 61 (7)
- . (a) A participating employer shall enroll an employee, make reports, submit contributions, and provide
other requested information electronically in a manner approved by the office.
- 64 (b) A participating employer shall treat any information provided electronically or otherwise by the
office as subject to the confidentiality provisions of this title.
- 63 Section 2. Section **49-11-623** is amended to read:
- 64 **49-11-623. Withdrawing entity -- Participation election date -- Withdrawal costs --**
- Rulemaking.**
- 69 (1) As used in this section, "withdrawing entity" means an entity that:
- 70 (a) participates in a system or plan under this title prior to July 1, 2014;
- 71 (b) provides mental health and substance abuse services for a county under Section 17-50-318;
- 73 (c) after beginning participation with a system or plan under this title, has modified its federal tax status
to a nonprofit organization that qualifies under Section 501(c)~~(3)~~ of the Internal Revenue Code;
and
- 76 (d) is not a state institution of higher education as described in Section 53B-2-101.
- 77 (2) Notwithstanding any other provision of this title, a withdrawing entity may provide for the
participation of its employees with that system or plan as follows:
- 79 (a) the withdrawing entity shall determine a date that is no later than January 1, 2017, on which the
withdrawing entity shall make an election under Subsection (3); and
- 81 (b) subject to the provisions of Subsection (6), the withdrawing entity shall pay to the office any
reasonable actuarial and administrative costs determined by the office to have arisen out of an

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election made under this section, including an actuarially determined short-fall liability contribution and a contingency payment to provide financial protection to the remaining participating employers.

86 (3) The withdrawing entity described under Subsection (2) may elect to:

87 (a)

. (i) continue its participation for all current employees of the withdrawing entity, who are covered by a system or plan as of the date set under Subsection (2)(a); and

89 (ii) withdraw from participation in all systems or plans for all persons initially entering employment with the withdrawing entity, beginning on the date set under Subsection (2)(a); or

92 (b) withdraw from participation in all systems or plans for all current and future employees of the withdrawing entity, beginning on the date set under Subsection (2)(a).

95 (4)

. (a) An election provided under Subsection (3):

96 (i) is a one-time election made no later than the date specified under Subsection (2)(a);

97 (ii) shall be documented by a resolution adopted by the governing body of the withdrawing entity;

99 (iii) is irrevocable; and

100 (iv) applies to the withdrawing entity as the employer and to all employees of the withdrawing entity.

102 (b) Notwithstanding an election made under Subsection (3), any eligibility for service credit earned by an employee under this title before the date specified under Subsection (2)(a) is not affected by this section.

105 (5) If a withdrawing entity elects to continue participation under Subsection (3), the withdrawing entity shall continue to be subject to the laws and the rules governing the system or plan in which an employee participates, including the accrual of service credit and payment of contributions.

109 (6) Before a withdrawing entity may withdraw under this section, the withdrawing entity and the office shall enter into an agreement on:

111 (a) the costs described under Subsection (2)(b); and

112 (b) arrangements for the payment of the costs described under Subsection (2)(b).

113 (7) The board shall make rules to implement this section.

111 Section 3. Section **49-11-626** is amended to read:

112 **49-11-626. Withdrawing entity -- Participation election date -- Withdrawal costs -- Rulemaking.**

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- 117 (1) As used in this section, "withdrawing entity" means an entity that:
- 118 (a) participates in a system or plan under this title before January 1, 2023; and
- 119 (b)
- . (i) is a public employees' association;
- 120 (ii) is an insurer that is subject to the disclosure requirements of Section 31A-4-113; or
- 122 (iii) after beginning participation with a system or plan under this title, has modified the entity's federal tax status to a nonprofit organization that qualified under Section 501(c)~~(3)~~ of the Internal Revenue Code.
- 125 (2) Notwithstanding any other provision of this title, a withdrawing entity may provide for the participation of the withdrawing entity's employees with that system or plan as follows:
- 128 (a) the withdrawing entity shall determine a date that is no later than July 1, [2025] 2028, on which the withdrawing entity shall make an election and complete withdrawal under Subsection (3);
- 131 (b) the withdrawing entity shall provide to the office notice of the withdrawing entity's intent to enter into an agreement described in Subsection (2)(c);
- 133 (c) the withdrawing entity and the office may enter into an intent to withdraw agreement to document a good faith arrangement to complete a withdrawal under this section; and
- 136 (d) subject to Subsection (6), the withdrawing entity shall pay to the office any reasonable actuarial and administrative costs determined by the office to have arisen out of an election made under this section, including an actuarially determined short-fall liability contribution and a contingency payment to provide financial protection to the remaining participating employers.
- 139 (3) The withdrawing entity may elect to:
- 140 (a)
- . (i) continue the withdrawing entity's participation for all current employees of the withdrawing entity, who are covered by a system or plan on the date set under Subsection (2)(a); and
- 143 (ii) withdraw from participation in all systems and plans for all persons initially entering employment with the withdrawing entity, beginning on the date set under Subsection (2)(a); or
- 146 (b) withdraw from participation in all systems or plans for all current and future employees of the withdrawing entity, beginning on the date set under Subsection (2)(a).
- 149 (4)
- . (a) An election made under Subsection (3):
- 150 (i) shall be made on or before the date specified under Subsection (2)(a);

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- 151 (ii) shall be documented by a resolution adopted by the governing body of the withdrawing entity;
153 (iii) remains in effect unless and until the withdrawing entity again becomes a participating
employer with the office in accordance with Subsection (5); and
155 (iv) applies to the withdrawing entity as the employer and to all employees of the withdrawing
entity.
- 157 (b) Notwithstanding an election made under Subsection (3), any eligibility for service credit earned by
an employee under this title before the date specified under Subsection (2)(a) is not affected by this
section.
- 160 (c) Notwithstanding any other provision of this title, a withdrawing entity that makes an election
under Subsection (3) may provide or participate in any type of public or private retirement for the
withdrawing entity's employees after the withdrawal.
- 163 (5) After the withdrawal and subject to the laws and rules governing participating employer admission,
the withdrawing entity may elect, by resolution of the withdrawing entity's governing body, to
resume participation with the office and apply for admission as a participating employer in a system
or plan under this title.
- 167 (6) Before a withdrawing entity may withdraw under this section, the withdrawing entity and the office
shall enter into an agreement on:
- 169 (a) the costs described under Subsection (2)(d); and
170 (b) arrangements for the payment of the costs described under Subsection (2)(d).

170 Section 4. **Repealer.**

This Bill Repeals:

- 171 This bill repeals:
172 Section **49-20-415, Prescribing policies for certain opioid prescriptions.**
173 Section 5. **Effective date.**

This bill takes effect on July 1, 2025.

1-31-25 7:32 AM