

**S.B. 63**

**NEW PUBLIC EMPLOYEES' TIER II CONTRIBUTORY RETIREMENT ACT**

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

1. *Page 29, Line 894 through Page 30, Line 896:*

894 (iv) 35 years of service credit if the eligible employee is covered by the defined benefit  
895 portion under Chapter 22, Part 3, Tier II Hybrid Retirement System **or is covered by the defined**  
**contribution plan under Chapter 22, Part 4, Tier II Defined Contribution Plan** ; or  
896 (c) the date the eligible employee has received a monthly disability benefit for the

2. *Page 32, Lines 959 through 960:*

959 (iii) compensation paid to a temporary employee {~~, an exempt employee,~~ } or an employee  
960 otherwise ineligible for service credit;

3. *Page 33, Lines 1017 through 1018:*

1017 System created under this chapter.

**(7)(a) "Volunteer firefighter" means any individual that is not regularly employed as a firefighter service employee, but who:**

**(i) has been trained in firefighter techniques and skills;**

**(ii) continues to receive regular firefighter training;**

**(iii) is assigned to a position of hazardous duty; and**

**(iv) is on the rolls of a legally organized volunteer fire department which provides ongoing training and serves a political subdivision of the state.**

**(b) An individual that volunteers assistance but does not meet the requirements of Subsection (7)(a) is not a volunteer firefighter for purposes of this chapter.**

1018 {~~(7)~~} **(8)** "Years of service credit" means:

4. *Page 37, Lines 1121 through 1127:*

1121 (c) An employee serving as an exchange employee from outside the state.

1122 {~~(d) An executive department head of the state or a legislative director, senior executive~~  
1123 ~~employed by the governor's office, a member of the State Tax Commission, a member of the~~  
1124 ~~Public Service Commission, and a member of a full-time or part-time board or commission~~  
1125 ~~who files a formal request for exemption.~~

1126 —~~(e)~~ **(d)** An employee of the Department of Workforce Services who is covered under  
1127 another retirement system allowed under Title 35A, Chapter 4, Employment Security Act.

5. Page 49, Lines 1490 through 1491:

1490 (c) a living benefit option.

(3)(a) A volunteer firefighter is eligible for a death benefit under this section if the death results from external force, violence, or disease directly resulting from firefighter service.

(b) The lowest monthly compensation of firefighters of a city of the first class in this state at the time of death shall be considered to be the final average monthly salary of a volunteer firefighter for purposes of computing these benefits.

(c) Each volunteer fire department shall maintain a current roll of all volunteer firefighters which meet the requirements of Subsection 49-22-102(7) to determine the eligibility for this benefit.

1491 ~~{(3)}~~ (4) This death benefit is payable when:

6. Page 49, Lines 1496 through 1506:

1496 ~~{(4)}~~ (5) The death benefit payable to the beneficiary under this section is a lump-sum  
1497 payment consisting of:

1498 (a) the return of any member contributions under this chapter; plus

1499 (b) a percentage of the final average salary of the member to be determined by the  
1500 board.

1501 ~~{(5)}~~ (6) Any amount of a living benefit option paid to the member prior to death shall be  
1502 deducted from the benefit payable to the beneficiary.

1503 ~~{(6)}~~ (7) The cost of the death benefit shall be paid by the participating employer in addition  
1504 to the contribution rate established under Section 49-22-301 or 49-22-401.

1505 ~~{(7)}~~ (8) The portion of the death benefit provided under Subsection ~~{(4)}~~ (5) (b), may  
not be paid

1506 to the beneficiary of an inactive member unless the death of the member occurs either:

7. Page 49, Line 1512 through Page 50, Line 1523:

1512 ~~{(8)}~~ (9) The death benefit provided under Subsection ~~{(4)}~~ (5) (b) shall be paid in  
accordance

1513 with Sections 49-11-609 and 49-11-610.

1514 ~~{(9)}~~ (10) The death benefit paid to the beneficiary of an inactive member, except as  
1515 otherwise provided under Subsection ~~{(7)}~~ (8), is a lump-sum return of the member's member  
1516 contributions.

1517 ~~{(10)}~~ (11) Payment of the death benefit by the office constitutes a full settlement of any  
1518 beneficiary's claim against the office and the office is not liable for any further or additional  
1519 claims or assessments on behalf of the member.

1520 ~~{(11)}~~ (12) Unless otherwise specified in a written document filed with the office, death  
1521 benefits payable to beneficiaries shall be in accordance with the order of precedence

1522 established under Title 75, Chapter 2, Intestate Succession and Wills.

1523            ~~{(12)}~~    (13) A death benefit under this section may not be paid on behalf of a retiree under this