

183 employee that ~~H~~→ [has been exempted] is not eligible under a system or plan ←~~H~~ under
183a this title, who:

184 (i) does not have any prior service credit on file with the office;

185 (ii) is covered by a retirement plan other than a retirement plan created under this title;

186 and

187 (iii) moves to a position with a participating employer that is covered by this title.

188 (29) (a) "Member" means a person, except a retiree, with contributions on deposit with
189 a system, the Utah Governors' and Legislators' Retirement Plan under Chapter 19, Utah
190 Governors' and Legislators' Retirement Act, or with a terminated system.

191 (b) "Member" also includes leased employees within the meaning of Section 414(n)(2)
192 of the Internal Revenue Code, if the employees have contributions on deposit with the office.
193 If leased employees constitute less than 20% of the participating employer's work force that is
194 not highly compensated within the meaning of Section 414(n)(5)(c)(ii), Internal Revenue Code,
195 "member" does not include leased employees covered by a plan described in Section 414(n)(5)
196 of the federal Internal Revenue Code.

197 (30) "Member contributions" means the sum of the contributions paid to a system or
198 the Utah Governors' and Legislators' Retirement Plan, including refund interest if allowed by a
199 system, and which are made by:

200 (a) the member; and

201 (b) the participating employer on the member's behalf under Section 414(h) of the
202 Internal Revenue Code.

203 (31) "Nonelective contribution" means an amount contributed by a participating
204 employer into a participant's defined contribution account.

205 (32) "Normal cost rate":

206 (a) means the percent of salary that is necessary for a retirement system that is fully
207 funded to maintain its fully funded status; and

208 (b) is determined by the actuary based on the assumed rate of return established by the
209 board.

210 (33) "Office" means the Utah State Retirement Office.

211 (34) "Participant" means an individual with voluntary deferrals or nonelective
212 contributions on deposit with the defined contribution plans administered under this title.

213 (35) "Participating employer" means a participating employer, as defined by Chapter

276 Tier II Hybrid Retirement System under Chapter 22, Part 3, Tier II Hybrid Retirement System,
 277 and the defined benefit portion of the Tier II Hybrid Retirement System under Chapter 23, Part
 278 3, Tier II Hybrid Retirement System.

279 (50) "Tier I" means a system or plan under this title for which an employee is eligible
 280 to participate if the employee initially enters regular full-time employment before July 1, 2011.

281 (51) (a) "Tier II" means a system or plan under this title provided in lieu of a Tier I
 282 system or plan for which an employee is eligible to participate, if the employee initially enters
 283 regular full-time employment on or after July 1, 2011.

284 (b) "Tier II" includes:

285 (i) the Tier II hybrid system established under:

286 (A) Chapter 22, Part 3, Tier II Hybrid Retirement System; or

287 (B) Chapter 23, Part 3, Tier II Hybrid Retirement System; and

288 (ii) the Tier II Defined Contribution Plan (Tier II DC Plan) established under:

289 (A) Chapter 22, Part 4, Tier II Defined Contribution Plan; or

290 (B) Chapter 23, Part 4, Tier II Defined Contribution Plan.

291 (52) "Unfunded actuarial accrued liability" or "UAAL":

292 (a) is determined by the system's actuary; and

293 (b) means the excess, if any, of the accrued liability of a retirement system over the
 294 actuarial value of its assets.

295 (53) "Voluntary deferrals" means an amount contributed by a participant into that
 296 participant's defined contribution account.

297 Section 2. Section **49-11-505** is amended to read:

298 **49-11-505. Reemployment of a retiree -- Restrictions.**

299 (1) (a) For purposes of this section, "retiree":

300 (i) means a person who:

301 (A) retired from a participating employer; and

302 (B) begins reemployment on or after July 1, 2010, with a participating employer; ~~and~~ **[and]**

302a **(ii) does not include a person:**

302b **(A) who was reemployed by a participating employer before July 1, 2010; and**

302c **(B) whose participating employer that reemployed the person under Subsection**

302d **(1)(a)(ii)(A) was dissolved, consolidated, merged, or structurally changed in accordance with**

302e **Section 49-11-621 after July 1, 2010; and**

303 **[(ii)] (iii) ←H** does not include a **H→ [retiree] person ←H** who is reemployed as an active
 303a senior judge appointed to

304 hear cases by the Utah Supreme Court in accordance with Article VIII, Section 4, Utah

305 Constitution.

306 (b) (i) This section does not apply to employment as an elected official if the elected

1020 contributions made by a participating employer on behalf of the member under Subsection
 1021 (2)(a), including associated investment gains and losses [~~under Subsection (2)(a)~~], are subject
 1022 to forfeiture.

1023 (b) If a member who terminates employment with a participating employer prior to the
 1024 vesting period described in Subsection (3)(a) subsequently enters employment with the same or
 1025 another participating employer within 10 years of the termination date of the previous
 1026 employment:

1027 (i) all contributions made by the previous participating employer on behalf of the
 1028 member, including associated investment gains and losses, shall be reinstated upon the
 1029 member's employment as a regular full-time employee; and

1030 (ii) the length of time that the member worked with the previous employer shall be
 1031 included in determining whether the member has completed the vesting period under
 1032 Subsection (3)(a).

1033 (c) The office shall establish a forfeiture account and shall specify the uses of the
 1034 forfeiture account, which may include an offset against administrative costs of employer
 1035 contributions made under this section.

1036 (8) The office may request from any other qualified 401(k) plan under Subsection (2)
 1037 any relevant information pertaining to the maintenance of its tax qualification under the
 1038 Internal Revenue Code.

1039 (9) The office may take any action which in its judgment is necessary to maintain the
 1040 tax-qualified status of its 401(k) defined contribution plan under federal law.

1041 Section 16. Section **49-23-601** is amended to read:

1042 **49-23-601. Long-term disability coverage.**

1043 (1) A participating employer shall cover a public safety employee who initially enters
 1044 employment on or after July 1, 2011, under [~~Title 49,~~] Chapter 21, Public Employees'
 1045 Long-Term Disability Act ~~H~~→ [f] , or a substantially similar long-term disability
 1045a program [j] ←~~H~~ .

1046 (2) (a) A participating employer shall cover a firefighter employee who initially enters
 1047 employment on or after July 1, 2011, under [~~Title 49,~~] Chapter 21, Public Employees'
 1048 Long-Term Disability Act.

1049 (b) In accordance with this section, a participating employer shall provide long-term
 1050 disability benefit coverage for a volunteer firefighter as provided under Section 49-16-701.