

**SUPPLEMENTAL SAVINGS PLAN AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rich Cunningham**

Senate Sponsor: Curtis S. Bramble

---

---

**LONG TITLE**

**General Description:**

This bill modifies the Utah State Personnel Management Act by amending provisions related to state employee benefits.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ allows a state employee to make the matching deposit into a deemed IRA, 401(k) plan, or other similar savings plan in order to qualify for the employee matching deposit under the state employee matching supplemental benefit; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**67-19-43**, as enacted by Laws of Utah 2013, Chapter 277

---

---

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

Section 1. Section **67-19-43** is amended to read:



28 **67-19-43. State employee matching supplemental defined contribution benefit.**

29 (1) As used in this section[~~,"qualifying employee"~~]:

30 (a) "Qualifying account" means:

31 (i) a defined contribution plan qualified under Section 401(k) of the Internal Revenue  
32 Code, which is sponsored by the Utah State Retirement Board;

33 (ii) a deemed Individual Retirement Account authorized under the Internal Revenue  
34 Code, which is sponsored by the Utah State Retirement Board; or

35 (iii) a similar savings plan or account authorized under the Internal Revenue Code,  
36 which is sponsored by the Utah State Retirement Board.

37 (b) "Qualifying employee" means an employee who is:

38 ~~[(a)]~~ (i) in a position that is receiving retirement benefits under Title 49, Utah State  
39 Retirement and Insurance Benefit Act; and

40 ~~[(b)]~~ (ii) not an employee who is reemployed as defined in Section 49-11-102.

41 (2) Subject to the requirements of Subsection (3) and beginning on or after January 4,  
42 2014, an employer shall make a biweekly matching contribution to every qualifying employee's  
43 defined contribution plan qualified under Section 401(k) of the Internal Revenue Code, subject  
44 to federal requirements and limitations, which is sponsored by the Utah State Retirement  
45 Board.

46 (3) (a) In accordance with the requirements of this Subsection (3), each qualifying  
47 employee shall be eligible to receive the same dollar amount for the contribution under  
48 Subsection (2).

49 (b) A qualifying employee:

50 (i) shall receive the contribution amount determined under Subsection (3)(c) if the  
51 qualifying employee makes a voluntary personal contribution to ~~[the defined contribution plan~~  
52 ~~account described in Subsection (2)]~~ one or more qualifying accounts in an amount equal to or  
53 greater than the employer's contribution amount determined in Subsection (3)(c);

54 (ii) shall receive a partial contribution amount that is equal to the qualifying employee's  
55 personal contribution amount if the employee makes a voluntary personal contribution to ~~[the~~  
56 ~~defined contribution plan account described in Subsection (2)]~~ one or more qualifying accounts  
57 in an amount less than the employer's contribution amount determined in Subsection (3)(c); or

58 (iii) may not receive a contribution under Subsection (2) if the qualifying employee

59 does not make a voluntary personal contribution to [~~the defined contribution plan account~~  
60 ~~described in Subsection (2)~~] a qualifying account.

61 (c) (i) Subject to the maximum limit under Subsection (3)(c)(iii), the Legislature shall  
62 annually determine the contribution amount that an employer shall provide to each qualifying  
63 employee under Subsection (2).

64 (ii) The department shall make recommendations annually to the Legislature on the  
65 contribution amount required under Subsection (2), in consultation with the Governor's Office  
66 of Management and Budget and the Division of Finance.

67 (iii) The biweekly matching contribution amount required under Subsection (2) may  
68 not exceed \$26 for each qualifying employee.

69 (4) A qualifying employee is eligible to receive the biweekly contribution under this  
70 section for any pay period in which the employee is in a paid status or other status protected by  
71 federal or state law.

72 (5) The employer and employee contributions made and related earnings under this  
73 section vest immediately upon deposit and can be withdrawn by the employee at any time,  
74 subject to Internal Revenue Code regulations on the withdrawals.

75 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
76 executive director shall make rules establishing procedures to implement the provisions of this  
77 section.

---

---

**Legislative Review Note**  
as of 2-5-14 2:07 PM

**Office of Legislative Research and General Counsel**