



UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • 320 STATE CAPITOL
P.O. BOX 145115 • SALT LAKE CITY, UTAH 84114-5115 • (801) 538-1035

January 31, 2018

Mr. President,

The Retirement and Independent Entities Committee reports a favorable recommendation on **S.B. 95**, EDUCATOR POSTRETIREMENT REEMPLOYMENT AMENDMENTS, by Senator J. Iwamoto, with the following amendments:

1. *Page 1, Lines 19 through 20:*

19 • is reemployed by a different participating employer than the participating
20 employer that employed the retiree at the time of retirement **except in limited**
circumstances ; and

2. *Page 1, Line 22:*

22 certain circumstances;
► requires certain member certifications on the retirement application form;

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3. *Page 6, Line 152:*

152 educator as defined under Section {~~53A-6-103~~} **53E-6-102** ; and

4. *Page 7, Lines 193 through 195:*

193 (8) Notwithstanding Subsections (4)(a)(i)(B) and (5)(b)(ii), a reemployed retiree that

194 was employed by **:**

Bill Number



SB0095

Action Class



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Action Code



SCRAMD

195 (a) the State of Utah at the time of retirement may be reemployed by the state
under Subsection (4) or (5) if the reemployment is with a different agency or office {
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; or

(b) a participating employer located within a county of the fourth, fifth, or sixth class, as classified under Section 17-50-501, may be reemployed by that participating employer under Subsection (4) or (5) if before the retiree is reemployed:

(i) the participating employer certifies to the office, under penalty of fraud, the facts and circumstances of rehire, including any prearrangement for reemployment before the member's retirement date; and

(ii) the office performs a facts and circumstances review and determines there was a bona fide termination of employment with that participating employer, including the specific finding that there was not a prearrangement for reemployment before the member's retirement date.

5. *Page 7, Line 206:*

206 under Section 49-11-1204 or 49-11-1205.

(4) The retirement application form submitted to the office shall contain the retiring member's certification, under penalty of fraud, of whether there was a prearrangement of reemployment before the retiree's retirement date with the participating employer.

Respectfully,

Brian Zehnder
Chair

Voting: 4-0-2

5 SB0095.SC1.wpd 1/31/18 1:39 pm ajanak/ARJ SCH/LGE