

493 Employees' Tier II Contributory Retirement Systems;

494 (j) one council member shall be a retiree selected by the governing board of the
 495 association representing the largest number of public education retirees;

496 (k) one council member shall be a school business official selected by the governing
 497 board of the association representative of a majority of the school business officials from
 498 public education employers who participate in a system administered by the board; and

499 (l) one council member shall be a special district officer or employee selected by the
 500 governing board of the association ~~§~~ **→ [representative of a majority]** representing the largest
 500a **number** ~~←§~~ of special service districts and
 501 local districts who participate in a system administered by the board.

502 (3) (a) Each entity granted authority to select council members under Subsection (2)
 503 may also revoke the selection at any time.

504 (b) Each term on the council shall be for a period of four years, subject to Subsection
 505 (3)(a).

506 (c) Each term begins on July 1 and expires on June 30.

507 (d) When a vacancy occurs on the council for any reason, the replacement shall be
 508 selected for the remainder of the unexpired term.

509 (4) The council shall annually designate one council member as chair.

510 (5) The council shall:

511 (a) recommend to the board and to the Legislature benefits and policies for members of
 512 any system or plan administered by the board;

513 (b) recommend procedures and practices to improve the administration of the systems
 514 and plans and the public employee relations responsibilities of the board and office;

515 (c) examine the record of all decisions affecting retirement benefits made by a hearing
 516 officer under Section [49-11-613](#);

517 (d) submit nominations to the board for the position of executive director if that
 518 position is vacant;

519 (e) advise and counsel with the board and the director on policies affecting members of
 520 the various systems administered by the office; and

521 (f) perform other duties assigned to it by the board.

522 (6) A member of the council may not receive compensation or benefits for the
 523 member's service, but may receive per diem and travel expenses in accordance with:

555 records available and then recalculated upon settlement of the dispute.

556 Section 6. Section 49-12-406 is amended to read:

557 **49-12-406. Exceptions for part-time elective or appointive service -- Computation**
558 **of allowance -- Justice court judges.**

559 (1) Notwithstanding the provisions of Sections 49-11-401 and 49-12-102, and unless
560 otherwise provided in this section, a member's elective or appointive service rendered on a
561 basis not considered full-time by the office shall have a separate allowance computed on the
562 basis of compensation actually received by the member during the period of elective or
563 appointive service.

564 (2) (a) ~~§~~ **(i)** ~~§~~ A justice court judge who has service with only one participating
564a employer shall
565 be ~~§~~ **[f]** ~~§~~ considered ~~§~~ **[determined to be]** ~~§~~ part-time or full-time by the office ~~§~~ **[f]**
565a ~~§~~ as ~~§~~ **[after a review of the**
566 **employment facts and circumstances]** ~~§~~ certified by the participating employer ~~§~~ **[to the office.]**

566a **(ii) If there is a dispute between the office and a participating employer or justice court**
566b **judge over whether service is full-time or part-time for any employment period, the disputed**
566c **service shall be submitted by the office to the Administrative Office of the Courts for**
566d **determination.** ~~§~~

567 (b) If a justice court judge has a combination of part-time service and full-time position
568 service with one participating employer, the office shall compute separate allowances on the
569 basis of compensation actually received by the judge during the part-time and full-time periods
570 of service.

571 (3) (a) A justice court judge who has service with more than one participating
572 employer shall be considered full-time by the office for a period of service in which the judge
573 is certified as full-time by:

574 (i) a participating employer; or

575 (ii) the Administrative Office of the Courts beginning on or after January 1, 2009,
576 based on the judge's aggregate caseload of the multiple employers as determined by the judge's
577 caseloads of the individual courts of each employer in accordance with Subsection
578 78A-7-206(1)(b)(ii).

579 (b) If a justice court judge has full-time service under Subsection (3)(a), the office shall
580 compute an allowance on the basis of total compensation actually received from all
581 participating employers by the judge during the total period of full-time service.

582 (c) If a justice court judge has part-time service performed that is not within a period
583 considered full-time service under Subsection (3)(a), the office shall compute a separate
584 allowance on the basis of compensation actually received by the member during the period of
585 part-time service.

648 Subsection 49-13-203(1)(b) may be purchased by the member for the purpose of retirement
 649 only if all benefits from a public or private system, organization, or company designated by the
 650 State Board of Regents based on this period of employment are forfeited.

651 (5) (a) If a retiree under Option One dies within 90 days after the retiree's retirement
 652 date, the retirement is canceled and the death shall be considered as that of a member before
 653 retirement.

654 (b) Any payments made to the retiree shall be deducted from the amounts due to the
 655 beneficiary.

656 (6) (a) If a retiree retires under either Option Five or Six and subsequently divorces, the
 657 retiree may elect to convert the benefit to an Option One benefit at the time of divorce, if there
 658 is no court order filed in the matter.

659 (b) A conversion to an Option One benefit under this Subsection (6) begins on the first
 660 day of the month following the month in which the notification and supporting documentation
 661 for the divorce are received by the office.

662 (7) A retiree may not choose payment of an allowance under a retirement option
 663 described in this section that is not applicable to that retiree, including because the retiree did
 664 not make member contributions or does not have a lawful spouse at the time of retirement.

665 Section 8. Section 49-13-406 is amended to read:

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 675 **employment facts and circumstances]** ~~§~~ certified by the participating employer ~~§~~ **[to-the-office.]**

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 675b **judge over whether service is full-time or part-time for any employment period, the disputed**
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