

STATE RETIREMENT AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel Hemmert

House Sponsor: Joel Ferry

LONG TITLE

General Description:

This bill modifies provisions of the Utah State Retirement and Insurance Benefit Act.

Highlighted Provisions:

This bill:

▶ provides that reemployment as a part-time appointed or elected board member is not subject to postretirement reemployment restrictions under certain circumstances;

▶ provides that a member is not required to cease service as a part-time appointed or elected board member of a participating employer under certain circumstances to be eligible to retire; and

▶ imposes minimum age requirements on certain retirees.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date of July 1, 2020.

Utah Code Sections Affected:

AMENDS:

49-11-1202, as enacted by Laws of Utah 2016, Chapter 310 and last amended by Coordination Clause, Laws of Utah 2016, Chapter 310

49-11-1203, as enacted by Laws of Utah 2016, Chapter 310

49-11-1205, as last amended by Laws of Utah 2018, Chapter 328



- 28 49-12-401, as last amended by Laws of Utah 2016, Chapter 310
- 29 49-13-401, as last amended by Laws of Utah 2016, Chapter 310
- 30 49-14-401, as last amended by Laws of Utah 2016, Chapter 310
- 31 49-15-401, as last amended by Laws of Utah 2016, Chapter 310
- 32 49-16-401, as last amended by Laws of Utah 2016, Chapter 310
- 33 49-22-304, as last amended by Laws of Utah 2016, Chapter 310
- 34 49-23-303, as last amended by Laws of Utah 2016, Chapter 310



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

37 Section 1. Section **49-11-1202** is amended to read:

38 **49-11-1202. Definitions.**

39 As used in this part:

40 (1) (a) "Affiliated emergency services worker" means a person who:

- 41 (i) is employed by a participating employer;
- 42 (ii) performs emergency services for another participating employer that is a different
- 43 agency;
- 44 (iii) is trained in techniques and skills required for the emergency service;
- 45 (iv) continues to receive regular training required for the service;
- 46 (v) is on the rolls as a trained affiliated emergency services worker of the participating
- 47 employer; and
- 48 (vi) provides ongoing service for a participating employer, which service may include
- 49 service as a volunteer firefighter, reserve law enforcement officer, search and rescue worker,
- 50 emergency medical technician, ambulance worker, park ranger, or public utilities worker.

51 (b) "Affiliated emergency services worker" does not include a person who performs

52 work or service but does not meet the requirements of Subsection (1)(a).

53 (2) "Amortization rate" means the amortization rate, as defined in Section 49-11-102,

54 to be applied to the system that would have covered the retiree if the retiree's reemployed

55 position were deemed to be an eligible, full-time position within that system.

56 (3) "Part-time appointed or elected board member" means an individual who:

57 (a) serves in a position:

- 58 (i) as a member of a board, commission, council, committee, panel, or other body of a

59 participating employer; and

60 (ii) that is designated in the participating employer's governing statute, charter, creation
61 document, or similar document;

62 (b) is appointed or elected to the position for a definite and fixed term of office by
63 official and duly recorded action of the participating employer;

64 (c) except for the service in the position, does not perform other work or service for
65 compensation for the participating employer, whether as an employee or under a contract; and

66 (d) retires from a participating employer that is different than the participating
67 employer with the position in which the person serves.

68 [~~3~~] (4) (a) "Reemployed," "reemploy," or "reemployment" means work or service
69 performed for a participating employer after retirement, in exchange for compensation.

70 (b) Reemployment includes work or service performed on a contract for a participating
71 employer if the retiree is:

72 (i) listed as the contractor; or

73 (ii) an owner, partner, or principal of the contractor.

74 [~~4~~] (5) "Retiree":

75 (a) means a person who:

76 (i) retired from a participating employer; and

77 (ii) begins reemployment on or after July 1, 2010, with a participating employer; and

78 (b) does not include a person:

79 (i) (A) who was reemployed by a participating employer before July 1, 2010; and

80 (B) whose participating employer that reemployed the person under Subsection

81 (4)(b)(i)(A) was dissolved, consolidated, merged, or structurally changed in accordance with
82 Section 49-11-621 on or after July 1, 2010; or

83 (ii) who is working under a phased retirement agreement in accordance with Title 49,
84 Chapter 11, Part 13, Phased Retirement.

85 Section 2. Section 49-11-1203 is amended to read:

86 **49-11-1203. Applicability.**

87 (1) (a) This part does not apply to employment as an elected official if the elected
88 official's position is not full time as certified by the participating employer.

89 (b) The provisions of this part apply to an elected official whose elected position is full

90 time as certified by the participating employer.

91 (2) (a) This part does not apply to employment as a part-time appointed board member
92 who does not receive any remuneration, stipend, or other benefit for the part-time appointed
93 board member's service.

94 (b) For purposes of this Subsection (2), remuneration, stipend, or other benefit does not
95 include receipt of per diem and travel expenses up to the amounts established by the Division
96 of Finance in:

97 (i) Section 63A-3-106;

98 (ii) Section 63A-3-107; and

99 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and
100 63A-3-107.

101 (3) This part does not apply to a person who is reemployed as an active senior judge or
102 an active senior justice court judge as described by Utah State Court Rules, appointed to hear
103 cases by the Utah Supreme Court in accordance with Article VIII, Section 4, Utah Constitution.

104 (4) An exemption under this section from the provisions of this part is available only
105 for a member who, at the time of retirement, is at least:

106 (a) 50 years old, if the member is retiring from a public safety system or firefighter
107 retirement system; or

108 (b) 55 years old.

109 Section 3. Section 49-11-1205 is amended to read:

110 **49-11-1205. Postretirement reemployment restriction exceptions.**

111 (1) (a) The office may not cancel the retirement allowance of a retiree who is
112 reemployed with a participating employer within one year of the retiree's retirement date if:

113 (i) the retiree is not reemployed by a participating employer for a period of at least 60
114 days from the retiree's retirement date;

115 (ii) upon reemployment after the break in service under Subsection (1)(a)(i), the retiree
116 does not receive any employer paid benefits, including:

117 (A) retirement service credit or retirement-related contributions;

118 (B) medical benefits;

119 (C) dental benefits;

120 (D) other insurance benefits except for workers' compensation as provided under Title

121 34A, Chapter 2, Workers' Compensation Act, Title 34A, Chapter 3, Utah Occupational Disease
122 Act, and withholdings required by federal or state law for social security, Medicare, and
123 unemployment insurance; or

124 (E) paid time off, including sick, annual, or other type of leave; and

125 (iii) (A) the retiree does not earn in any calendar year of reemployment an amount in
126 excess of the lesser of \$15,000 or one-half of the retiree's final average salary upon which the
127 retiree's retirement allowance is based; or

128 (B) the retiree is reemployed as a judge as defined under Section [78A-11-102](#).

129 (b) Beginning January 1, 2013, the board shall adjust the amounts under Subsection
130 (1)(a)(iii) by the annual change in the Consumer Price Index during the previous calendar year
131 as measured by a United States Bureau of Labor Statistics Consumer Price Index average as
132 determined by the board.

133 (2) A retiree shall be considered as having completed the one-year separation from
134 employment with a participating employer required under Section [49-11-1204](#), if the retiree:

135 (a) before retiring:

136 (i) was employed with a participating employer as a public safety service employee as
137 defined in Section [49-14-102](#), [49-15-102](#), or [49-23-102](#);

138 (ii) and during the employment under Subsection (2)(a)(i), suffered a physical injury
139 resulting from external force or violence while performing the duties of the employment, and
140 for which injury the retiree would have been approved for total disability in accordance with
141 the provisions under Chapter 21, Public Employees' Long-Term Disability Act, if years of
142 service are not considered;

143 (iii) had less than 30 years of service credit but had sufficient service credit to retire,
144 with an unreduced allowance making the public safety service employee ineligible for
145 long-term disability payments under Chapter 21, Public Employees' Long-Term Disability Act,
146 or a substantially similar long-term disability program; and

147 (iv) does not receive any long-term disability benefits from any participating employer;
148 and

149 (b) is reemployed by a different participating employer.

150 (3) (a) The office may not cancel the retirement allowance of a retiree who is employed
151 as an affiliated emergency services worker within one year of the retiree's retirement date if the

152 affiliated emergency services worker does not receive any compensation, except for:

153 (i) a nominal fee, stipend, discount, tax credit, voucher, or other fixed sum of money or
154 cash equivalent payment not tied to productivity and paid periodically for services;

155 (ii) a length-of-service award;

156 (iii) insurance policy premiums paid by the participating employer in the event of death
157 of an affiliated emergency services worker or a line-of-duty accidental death or disability; or

158 (iv) reimbursement of expenses incurred in the performance of duties.

159 (b) For purposes of Subsections (3)(a)(i) and (ii), the total amount of any discounts, tax
160 credits, vouchers, and payments to an affiliated emergency services worker may not exceed
161 \$500 per month.

162 (c) Beginning January 1, 2016, the board shall adjust the amount under Subsection
163 (3)(b) by the annual change in the Consumer Price Index during the previous calendar year as
164 measured by a United States Bureau of Labor Statistics Consumer Price Index average as
165 determined by the board.

166 (4) (a) The office may not cancel the retirement allowance of a retiree employed as a
167 part-time appointed or elected board member within one year after the retiree's retirement date
168 if the part-time appointed or elected board member does not receive any compensation
169 exceeding the amount described in this Subsection (4).

170 (b) A retiree who is a part-time appointed or elected board member for one or more
171 boards, commissions, councils, committees, panels, or other bodies of participating employers:

172 (i) may receive an aggregate amount of compensation, remuneration, a stipend, or other
173 benefit for service on a single or multiple boards, commissions, councils, committees, panels,
174 or other bodies of no more than \$5,000 per year; and

175 (ii) may not receive an employer paid retirement service credit or retirement-related
176 contribution.

177 (c) For purposes of Subsection (4)(b)(i):

178 (i) a part-time appointed or elected board member's compensation includes:

179 (A) an amount paid for the part-time appointed or elected board member's coverage in
180 a group insurance plan provided by the participating employer; and

181 (B) the part-time appointed or elected board member's receipt of any other benefit
182 provided by the participating employer; and

183 (ii) the part-time appointed or elected board member's compensation does not include:

184 (A) an amount the participating employer pays for employer-matching employment
 185 taxes, if the participating employer treats the part-time appointed or elected board member as
 186 an employee for federal tax purposes; or

187 (B) an amount that the part-time appointed or elected board member receives for per
 188 diem and travel expenses for up to 12 approved meetings or activities of the government board
 189 per year, if the per diem and travel expenses do not exceed the amounts established by the
 190 Division of Finance under Sections 63A-3-106 and 63A-3-107 or by rules made by the
 191 Division of Finance according to Sections 63A-3-106 and 63A-3-107.

192 (d) Beginning January 1, 2021, the board shall adjust the amount under Subsection
 193 (4)(b)(i) by the annual change in the Consumer Price Index during the previous calendar year
 194 as measured by a United States Bureau of Labor Statistics Consumer Price Index average, as
 195 determined by the board.

196 [~~4~~] (5) (a) If a retiree is reemployed under the provisions of Subsection (1) or (4), the
 197 termination date of the reemployment, as confirmed in writing by the participating employer, is
 198 considered the retiree's retirement date for the purpose of calculating the separation
 199 requirement under Section 49-11-1204.

200 (b) The office shall cancel the retirement allowance of a retiree for the remainder of the
 201 calendar year if the reemployment with a participating employer exceeds the limitation under
 202 Subsection (1)(a)(iii) [~~or~~], (3)(b), or (4)(b).

203 Section 4. Section **49-12-401** is amended to read:

204 **49-12-401. Eligibility for an allowance -- Date of retirement -- Qualifications.**

205 (1) A member is qualified to receive an allowance from this system when:

206 (a) except as provided under Subsection (3), the member ceases actual work for every
 207 participating employer that employs the member before the member's retirement date and
 208 provides evidence of the termination;

209 (b) the member has submitted to the office a retirement application form that states the
 210 member's proposed retirement date; and

211 (c) one of the following conditions is met as of the member's retirement date:

212 (i) the member has accrued at least four years of service credit and has attained an age
 213 of 65 years;

214 (ii) the member has accrued at least 10 years of service credit and has attained an age
215 of 62 years;

216 (iii) the member has accrued at least 20 years of service credit and has attained an age
217 of 60 years; or

218 (iv) the member has accrued at least 30 years of service credit.

219 (2) (a) The member's retirement date:

220 (i) shall be the 1st or the 16th day of the month, as selected by the member;

221 (ii) shall be on or after the date of termination; and

222 (iii) may not be more than 90 days before or after the date the application is received by
223 the office.

224 (b) Except as provided under Subsection (3), a member may not be employed by a
225 participating employer in the system established by this chapter on the retirement date selected
226 under Subsection (2)(a)(i).

227 (3) (a) A member who is employed by a participating employer and who is also an
228 elected official is not required to cease service as an elected official to be qualified to receive
229 an allowance under Subsection (1), unless the member is retiring from service as an elected
230 official.

231 (b) A member who is employed by a participating employer and who is also a part-time
232 appointed board member, as described in Subsection [49-11-1203\(2\)](#), is not required to cease
233 service as a part-time appointed board member to be qualified to receive an allowance under
234 Subsection (1).

235 (c) A member who is employed by a participating employer, who is also an affiliated
236 emergency services worker as defined in Section [49-11-1202](#) for a different agency, is not
237 required to cease service as an affiliated emergency services worker to be qualified to receive
238 an allowance under Subsection (1).

239 (d) A member who is employed by a participating employer and who is also a part-time
240 appointed or elected board member, as defined in Section [49-11-1202](#), for a different agency is
241 not required to cease service as a part-time appointed or elected board member to be qualified
242 to receive an allowance under Subsection (1).

243 (4) An exemption from the requirement to cease service and remain qualified to
244 receive an allowance as provided in Subsection (3) is available only for a member who, at the

245 time of retirement, is at least:

246 (a) 50 years old, if the member is retiring from a public safety system or firefighter

247 system; or

248 (b) 55 years old.

249 Section 5. Section **49-13-401** is amended to read:

250 **49-13-401. Eligibility for an allowance -- Date of retirement -- Qualifications.**

251 (1) A member is qualified to receive an allowance from this system when:

252 (a) except as provided under Subsection (3), the member ceases actual work for every
253 participating employer that employs the member before the member's retirement date and
254 provides evidence of the termination;

255 (b) the member has submitted to the office a retirement application form that states the
256 member's proposed retirement date; and

257 (c) one of the following conditions is met as of the member's retirement date:

258 (i) the member has accrued at least four years of service credit and has attained an age
259 of 65 years;

260 (ii) the member has accrued at least 10 years of service credit and has attained an age
261 of 62 years;

262 (iii) the member has accrued at least 20 years of service credit and has attained an age
263 of 60 years;

264 (iv) the member has accrued at least 30 years of service credit; or

265 (v) the member has accrued at least 25 years of service credit, in which case the
266 member shall be subject to the reduction under Subsection [49-13-402\(2\)\(b\)](#).

267 (2) (a) The member's retirement date:

268 (i) shall be the 1st or the 16th day of the month, as selected by the member;

269 (ii) shall be on or after the date of termination; and

270 (iii) may not be more than 90 days before or after the date the application is received by
271 the office.

272 (b) Except as provided under Subsection (3), a member may not be employed by a
273 participating employer in the system established by this chapter on the retirement date selected
274 under Subsection (2)(a)(i).

275 (3) (a) A member who is employed by a participating employer and who is also an

276 elected official is not required to cease service as an elected official to be qualified to receive
277 an allowance under Subsection (1), unless the member is retiring from service as an elected
278 official.

279 (b) A member who is employed by a participating employer and who is also a part-time
280 appointed board member, as described in Subsection 49-11-1203(2), is not required to cease
281 service as a part-time appointed board member to be qualified to receive an allowance under
282 Subsection (1).

283 (c) A member who is employed by a participating employer, who is also an affiliated
284 emergency services worker as defined in Section 49-11-1202 for a different agency, is not
285 required to cease service as an affiliated emergency services worker to be qualified to receive
286 an allowance under Subsection (1).

287 (d) A member who is employed by a participating employer and who is also a part-time
288 appointed or elected board member, as defined in Section 49-11-1202, for a different agency is
289 not required to cease service as a part-time appointed or elected board member to be qualified
290 to receive an allowance under Subsection (1).

291 (4) An exemption from the requirement to cease service and remain qualified to
292 receive an allowance as provided in Subsection (3) is available only for a member who, at the
293 time of retirement, is at least:

294 (a) 50 years old, if the member is retiring from a public safety system or firefighter
295 system; or

296 (b) 55 years old.

297 Section 6. Section 49-14-401 is amended to read:

298 **49-14-401. Eligibility for service retirement -- Date of retirement --**

299 **Qualifications.**

300 (1) A member is qualified to receive an allowance from this system when:

301 (a) except as provided under Subsection (3), the member ceases actual work for every
302 participating employer that employs the member before the member's retirement date and
303 provides evidence of the termination;

304 (b) the member has submitted to the office a retirement application form that states the
305 member's proposed retirement date; and

306 (c) one of the following conditions is met as of the member's retirement date:

- 307 (i) the member has accrued at least 20 years of service credit;
- 308 (ii) the member has accrued at least 10 years of service credit and has attained an age
309 of 60 years; or
- 310 (iii) the member has accrued at least four years of service credit and has attained an age
311 of 65 years.
- 312 (2) (a) The member's retirement date:
- 313 (i) shall be the 1st or the 16th day of the month, as selected by the member;
- 314 (ii) shall be on or after the date of termination; and
- 315 (iii) may not be more than 90 days before or after the date the application is received by
316 the office.
- 317 (b) Except as provided under Subsection (3), a member may not be employed by a
318 participating employer in the system established by this chapter on the retirement date selected
319 under Subsection (2)(a)(i).
- 320 (3) (a) A member who is employed by a participating employer and who is also an
321 elected official is not required to cease service as an elected official to be qualified to receive
322 an allowance under Subsection (1), unless the member is retiring from service as an elected
323 official.
- 324 (b) A member who is employed by a participating employer and who is also a part-time
325 appointed board member, as described in Subsection [49-11-1203\(2\)](#), is not required to cease
326 service as a part-time appointed board member to be qualified to receive an allowance under
327 Subsection (1).
- 328 (c) A member who is employed by a participating employer, who is also an affiliated
329 emergency services worker as defined in Section [49-11-1202](#) for a different agency, is not
330 required to cease service as an affiliated emergency services worker to be qualified to receive
331 an allowance under Subsection (1).
- 332 (d) A member who is employed by a participating employer and who is also a part-time
333 appointed or elected board member, as defined in Section [49-11-1202](#), for a different agency is
334 not required to cease service as a part-time appointed or elected board member to be qualified
335 to receive an allowance under Subsection (1).
- 336 (4) An exemption from the requirement to cease service and remain qualified to
337 receive an allowance as provided in Subsection (3) is available only for a member who, at the

338 time of retirement, is at least:

339 (a) 50 years old, if the member is retiring from a public safety system or firefighter
340 system; or

341 (b) 55 years old.

342 Section 7. Section **49-15-401** is amended to read:

343 **49-15-401. Eligibility for service retirement -- Date of retirement --**

344 **Qualifications.**

345 (1) A member is qualified to receive an allowance from this system when:

346 (a) except as provided under Subsection (3), the member ceases actual work for every
347 participating employer that employs the member before the member's retirement date and
348 provides evidence of the termination;

349 (b) the member has submitted to the office a retirement application form that states the
350 member's proposed retirement date; and

351 (c) one of the following conditions is met as of the member's retirement date:

352 (i) the member has accrued at least 20 years of service credit;

353 (ii) the member has accrued at least 10 years of service credit and has attained an age
354 of 60 years; or

355 (iii) the member has accrued at least four years of service and has attained an age of 65
356 years.

357 (2) (a) The member's retirement date:

358 (i) shall be the 1st or the 16th day of the month, as selected by the member;

359 (ii) shall be on or after the date of termination; and

360 (iii) may not be more than 90 days before or after the date the application is received by
361 the office.

362 (b) Except as provided under Subsection (3), a member may not be employed by a
363 participating employer in the system established by this chapter on the retirement date selected
364 under Subsection (2)(a)(i).

365 (3) (a) A member who is employed by a participating employer and who is also an
366 elected official is not required to cease service as an elected official to be qualified to receive
367 an allowance under Subsection (1), unless the member is retiring from service as an elected
368 official.

369 (b) A member who is employed by a participating employer and who is also a part-time
370 appointed board member, as described in Subsection [49-11-1203\(2\)](#), is not required to cease
371 service as a part-time appointed board member to be qualified to receive an allowance under
372 Subsection (1).

373 (c) A member who is employed by a participating employer, who is also an affiliated
374 emergency services worker as defined in Section [49-11-1202](#) for a different agency, is not
375 required to cease service as an affiliated emergency services worker to be qualified to receive
376 an allowance under Subsection (1).

377 (d) A member who is employed by a participating employer and who is also a part-time
378 appointed or elected board member, as defined in Section [49-11-1202](#), for a different agency is
379 not required to cease service as a part-time appointed or elected board member to be qualified
380 to receive an allowance under Subsection (1).

381 (4) An exemption from the requirement to cease service and remain qualified to
382 receive an allowance as provided in Subsection (3) is available only for a member who, at the
383 time of retirement, is at least:

384 (a) 50 years old, if the member is retiring from a public safety system or firefighter
385 system; or

386 (b) 55 years old.

387 Section 8. Section **49-16-401** is amended to read:

388 **49-16-401. Eligibility for service retirement -- Date of retirement --**

389 **Qualifications.**

390 (1) A member is qualified to receive an allowance from this system when:

391 (a) except as provided under Subsection (3), the member ceases actual work for every
392 participating employer that employs the member before the member's retirement date and
393 provides evidence of the termination;

394 (b) the member has submitted to the office a retirement application form that states the
395 member's proposed retirement date; and

396 (c) one of the following conditions is met as of the member's retirement date:

397 (i) the member has accrued at least 20 years of service credit;

398 (ii) the member has accrued at least 10 years of service credit and has attained an age
399 of 60 years; or

400 (iii) the member has accrued at least four years of service credit and has attained an age
401 of 65 years.

402 (2) (a) The member's retirement date:

403 (i) shall be the 1st or the 16th day of the month, as selected by the firefighter service
404 employee;

405 (ii) shall be on or after the date of termination; and

406 (iii) may not be more than 90 days before or after the date the application is received by
407 the office.

408 (b) Except as provided under Subsection (3), a member may not be employed by a
409 participating employer in the system established by this chapter on the retirement date selected
410 under Subsection (2)(a)(i).

411 (3) (a) A member who is employed by a participating employer and who is also an
412 elected official is not required to cease service as an elected official to be qualified to receive
413 an allowance under Subsection (1), unless the member is retiring from service as an elected
414 official.

415 (b) A member who is employed by a participating employer and who is also a part-time
416 appointed board member, as described in Subsection [49-11-1203\(2\)](#), is not required to cease
417 service as a part-time appointed board member to be qualified to receive an allowance under
418 Subsection (1).

419 (c) A member who is employed by a participating employer, who is also an affiliated
420 emergency services worker as defined in Section [49-11-1202](#) for a different agency, is not
421 required to cease service as an affiliated emergency services worker to be qualified to receive
422 an allowance under Subsection (1).

423 (d) A member who is employed by a participating employer and who is also a part-time
424 appointed or elected board member, as defined in Section [49-11-1202](#), for a different agency is
425 not required to cease service as a part-time appointed or elected board member to be qualified
426 to receive an allowance under Subsection (1).

427 (4) An exemption from the requirement to cease service and remain qualified to
428 receive an allowance as provided in Subsection (3) is available only for a member who, at the
429 time of retirement, is at least:

430 (a) 50 years old, if the member is retiring from a public safety system or firefighter

431 system; or

432 (b) 55 years old.

433 Section 9. Section **49-22-304** is amended to read:

434 **49-22-304. Defined benefit eligibility for an allowance -- Date of retirement --**

435 **Qualifications.**

436 (1) A member is qualified to receive an allowance from this system when:

437 (a) except as provided under Subsection (3), the member ceases actual work for every
438 participating employer that employs the member before the member's retirement date and

439 provides evidence of the termination;

440 (b) the member has submitted to the office a retirement application form that states the
441 member's proposed retirement date; and

442 (c) one of the following conditions is met as of the member's retirement date:

443 (i) the member has accrued at least four years of service credit and has attained an age
444 of 65 years;

445 (ii) the member has accrued at least 10 years of service credit and has attained an age
446 of 62 years;

447 (iii) the member has accrued at least 20 years of service credit and has attained an age
448 of 60 years; or

449 (iv) the member has accrued at least 35 years of service credit.

450 (2) (a) The member's retirement date:

451 (i) shall be the 1st or the 16th day of the month, as selected by the member;

452 (ii) shall be on or after the date of termination; and

453 (iii) may not be more than 90 days before or after the date the application is received by
454 the office.

455 (b) Except as provided under Subsection (3), a member may not be employed by a
456 participating employer in the system established by this chapter on the retirement date selected
457 under Subsection (2)(a)(i).

458 (3) (a) A member who is employed by a participating employer and who is also an
459 elected official is not required to cease service as an elected official to be qualified to receive
460 an allowance under Subsection (1), unless the member is retiring from service as an elected
461 official.

462 (b) A member who is employed by a participating employer and who is also a part-time
463 appointed board member, as described in Subsection [49-11-1203\(2\)](#), is not required to cease
464 service as a part-time appointed board member to be qualified to receive an allowance under
465 Subsection (1).

466 (c) A member who is employed by a participating employer, who is also an affiliated
467 emergency services worker as defined in Section [49-11-1202](#) for a different agency, is not
468 required to cease service as an affiliated emergency services worker to be qualified to receive
469 an allowance under Subsection (1).

470 (d) A member who is employed by a participating employer and who is also a part-time
471 appointed or elected board member, as defined in Section [49-11-1202](#), for a different agency is
472 not required to cease service as a part-time appointed or elected board member to be qualified
473 to receive an allowance under Subsection (1).

474 (4) An exemption from the requirement to cease service and remain qualified to
475 receive an allowance as provided in Subsection (3) is available only for a member who, at the
476 time of retirement, is at least:

477 (a) 50 years old, if the member is retiring from a public safety system or firefighter
478 system; or

479 (b) 55 years old.

480 Section 10. Section **49-23-303** is amended to read:

481 **49-23-303. Defined benefit eligibility for an allowance -- Date of retirement --**

482 **Qualifications.**

483 (1) A member is qualified to receive an allowance from this system when:

484 (a) except as provided under Subsection (3), the member ceases actual work for every
485 participating employer that employs the member before the member's retirement date and
486 provides evidence of the termination;

487 (b) the member has submitted to the office a retirement application form that states the
488 member's proposed retirement date; and

489 (c) one of the following conditions is met as of the member's retirement date:

490 (i) the member has accrued at least four years of service credit and has attained an age
491 of 65 years;

492 (ii) the member has accrued at least 10 years of service credit and has attained an age

493 of 62 years;

494 (iii) the member has accrued at least 20 years of service credit and has attained an age
495 of 60 years; or

496 (iv) the member has accrued at least 25 years of service credit.

497 (2) (a) The member's retirement date:

498 (i) shall be the 1st or the 16th day of the month, as selected by the member;

499 (ii) shall be on or after the date of termination; and

500 (iii) may not be more than 90 days before or after the date the application is received by
501 the office.

502 (b) Except as provided under Subsection (3), a member may not be employed by a
503 participating employer in the system established by this chapter on the retirement date selected
504 under Subsection (2)(a)(i).

505 (3) (a) A member who is employed by a participating employer and who is also an
506 elected official is not required to cease service as an elected official to be qualified to receive
507 an allowance under Subsection (1), unless the member is retiring from service as an elected
508 official.

509 (b) A member who is employed by a participating employer and who is also a part-time
510 appointed board member, as described in Subsection 49-11-1203(2), is not required to cease
511 service as a part-time appointed board member to be qualified to receive an allowance under
512 Subsection (1).

513 (c) A member who is employed by a participating employer, who is also an affiliated
514 emergency services worker as defined in Section 49-11-1202 for a different agency, is not
515 required to cease service as an affiliated emergency services worker to be qualified to receive
516 an allowance under Subsection (1).

517 (d) A member who is employed by a participating employer and who is also a part-time
518 appointed or elected board member, as defined in Section 49-11-1202, for a different agency is
519 not required to cease service as a part-time appointed or elected board member to be qualified
520 to receive an allowance under Subsection (1).

521 (4) An exemption from the requirement to cease service and remain qualified to
522 receive an allowance as provided in Subsection (3) is available only for a member who, at the
523 time of retirement, is at least:

524 (a) 50 years old, if the member is retiring from a public safety system or firefighter
525 system; or

526 (b) 55 years old.

527 **Section 11. Effective date.**

528 This bill takes effect on July 1, 2020.