

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 598

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM AND THE BLIND COMMISSION;  
2 AMENDING SECTION 59-1354, IDAHO CODE, TO PROVIDE THAT A RETIRED MEMBER,  
3 WHO SUBSEQUENT TO BECOMING A DISABILITY RETIREE SERVES ON ANY STATE  
4 BOARD OR COMMISSION THAT IS STATUTORILY REQUIRED TO MEET ONCE PER MONTH  
5 OR LESS AND, WHO IS NOT AN EMPLOYEE AS DEFINED IN THE PUBLIC EMPLOYMENT  
6 RETIREMENT SYSTEM LAW BY VIRTUE OF SUCH SERVICE, SHALL NOT BE DEEMED TO  
7 HAVE CEASED TO BE DISABLED BECAUSE OF SUCH SERVICE; AMENDING SECTION  
8 59-1354A, IDAHO CODE, TO REVISE THE DEFINITION OF "RETURN TO WORK"; AND  
9 AMENDING SECTION 67-5404, IDAHO CODE, TO PROVIDE AN ALTERNATIVE COMPEN-  
10 SATION FOR MEMBERS OF THE BLIND COMMISSION; AND DECLARING AN EMERGENCY.  
11

12 Be It Enacted by the Legislature of the State of Idaho:

13 SECTION 1. That Section 59-1354, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15 59-1354. TIME FOR PAYMENT OF DISABILITY RETIREMENT ALLOWANCE. (1)  
16 A disability retirement allowance shall become payable to a member on the  
17 first of the month next following the later of:

18 (a) The day salary, sick leave or other temporary compensation benefits  
19 terminate under any plan paid for in whole or in part by the employer of  
20 the member; or

21 (b) The day five (5) months after the member becomes eligible for dis-  
22 ability retirement.

23 (2) The disability retirement allowance shall be paid monthly there-  
24 after to, but not including, the first of the month next following the earli-  
25 est of the date:

26 (a) Of the retired member's death;

27 (b) That the retired member elects to receive an early or service re-  
28 tirement allowance;

29 (c) That the retired member ceases to be disabled, provided however,  
30 that a retired member, who subsequent to becoming a disability retiree  
31 serves on any state board or commission that is statutorily required to  
32 meet once per month or less and, who is not an employee as defined in this  
33 chapter by virtue of such service, shall not be deemed to have ceased to  
34 be disabled because of such service; or

35 (d) That the member waives, in writing, the member's disability al-  
36 lowance.

37 (3) When a disability retirement allowance ceases pursuant to subsec-  
38 tion (2) (b) of this section, the early or service retirement allowance shall  
39 become payable on the first of the month following the date of the last pay-  
40 ment of the disability retirement allowance.

41 (4) Effective the date a disability retirement allowance ceases pur-  
42 suant to subsections (2) (c) and (d) of this section, the member's status

1 shall be inactive unless the member again becomes an employee or elects ei-  
2 ther early or service retirement.

3 SECTION 2. That Section 59-1354A, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 59-1354A. MEMBERS RECEIVING A DISABILITY RETIREMENT RETURNING TO  
6 WORK. (1) A retired member receiving a disability retirement allowance may  
7 return to work under the following conditions:

8 (a) The retired member must notify the executive director in writing in  
9 advance of the return to work; and

10 (b) The disability retirement allowance shall terminate upon such no-  
11 tification.

12 (2) The disability retirement allowance of a retired member who returns  
13 to work under subsection (1) of this section shall resume if:

14 (a) The retired member terminates his return to work within one hundred  
15 fifty (150) days from the date of the notification required in subsec-  
16 tion (1) (a) of this section;

17 (b) The retired member makes a written request to the board; and

18 (c) The board determines that the member is disabled, as defined in sec-  
19 tion 59-1302(12), Idaho Code, and that the member could not success-  
20 fully return to work because of the same disability on which his dis-  
21 ability retirement was based.

22 (3) In making its decision, the board may require the member to submit  
23 medical records in support of his request and may require the member to sub-  
24 mit to a medical examination. The refusal to submit such records or to submit  
25 to such examination shall constitute proof that the member is not disabled.  
26 If the board requires a medical examination, any costs associated with such  
27 examination must be paid by the member. A disability retirement allowance  
28 that is resumed under this section shall be payable the first of the month af-  
29 ter the board makes the determination described herein.

30 (4) If a retired member receiving a disability retirement allowance who  
31 returns to work again meets the definition of employee as defined in section  
32 59-1302(14) (A), Idaho Code, eligibility for disability retirement shall be  
33 determined in accordance with sections 59-1302(12), 59-1352 and 59-1354,  
34 Idaho Code.

35 (5) For the purposes of this section, "return to work" means being  
36 engaged in any activity for which compensation is normally paid but shall  
37 not include service on any state board or commission that is statutorily  
38 required to meet once per month or less where the retired member is not an  
39 employee as defined in this chapter by virtue of such service.

40 SECTION 3. That Section 67-5404, Idaho Code, be, and the same is hereby  
41 amended to read as follows:

42 67-5404. COMPENSATION. Members of the commission shall be compen-  
43 sated as provided by section 59-509(h), Idaho Code or as provided by section  
44 59-509(n), Idaho Code, pursuant to a one (1) time irrevocable election made  
45 in writing by the member.

1           SECTION 4. An emergency existing therefor, which emergency is hereby  
2 declared to exist, this act shall be in full force and effect on and after its  
3 passage and approval.