

**RETIREMENT DISABILITY AMENDMENTS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Susan Duckworth**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill extends retirement and health coverage to retired legislators and governors who qualify for Social Security disability benefits.

**Highlighted Provisions:**

This bill:

▶ extends retirement and health coverage to retired legislators and governors who have qualified for Social Security disability benefits if public service term requirements have been met.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**49-19-401**, as last amended by Laws of Utah 2004, Chapter 118

**49-20-404**, as last amended by Laws of Utah 2008, Chapter 252

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

Section 1. Section **49-19-401** is amended to read:

**49-19-401. Eligibility for an allowance -- Governor -- Legislator.**



- 28 (1) A governor is qualified to receive an allowance when:
- 29 (a) the governor has submitted to the office a notarized retirement application form that
- 30 states the proposed retirement date; and
- 31 (b) one of the following conditions is met as of the retirement date:
- 32 (i) the governor has completed at least one full term in office and has attained an age of
- 33 65 years; or
- 34 (ii) the governor has served as governor of the state for at least 10 years and:
- 35 (A) has attained an age of 62 years[-]; or
- 36 (B) has qualified for federal Social Security disability benefits under 20 C.F.R., Part
- 37 404, Subpart P.
- 38 (2) A legislator is qualified to receive an allowance when:
- 39 (a) the legislator has submitted to the office a notarized retirement application form
- 40 that states the proposed retirement date; and
- 41 (b) one of the following conditions is met as of the retirement date:
- 42 (i) the legislator has completed at least four years in the Legislature and has attained an
- 43 age of 65 years; or
- 44 (ii) the legislator has completed at least 10 years in the Legislature and:
- 45 (A) has attained an age of 62 years[-]; or
- 46 (B) has qualified for federal Social Security disability benefits under 20 C.F.R., Part
- 47 404, Subpart P.
- 48 (3) (a) The retirement date shall be the 1st or the 16th day of the month as selected by
- 49 the member.
- 50 (b) The retirement date may not be more than 90 days before or after the date the
- 51 application is received by the office.
- 52 (4) A member who withdraws member contributions shall forfeit all allowances based
- 53 on those contributions.
- 54 (5) If a retired legislator is elected to another term in the Legislature or continues to
- 55 serve in the Legislature, the legislative allowance ceases at the beginning of each session under
- 56 rules established by the board, but is restored at the same amount at the end of the session.
- 57 (6) A member receiving an allowance while serving as a legislator is eligible for
- 58 additional service credits and allowance adjustments at the end of each term of office if the

59 legislator continues as a contributing member during the member's service as a legislator.

60 Section 2. Section **49-20-404** is amended to read:

61 **49-20-404. Governors' and legislative benefit.**

62 (1) The state shall pay the percentage described in Subsection (3) of the cost of  
63 providing paid-up group health coverage policy for members and their surviving spouses  
64 covered under Chapter 19, Utah Governors' and Legislators' Retirement Act who:

65 (a) retire after January 1, 1998;

66 (b) (i) are at least 62 but less than 65 years of age; or

67 (ii) (A) completed at least 10 years in the Legislature;

68 (B) retired from the Legislature; and

69 (C) qualify for federal Social Security disability benefits under 20 C.F.R., Part 404,

70 Subpart P:

71 (c) elect to receive and apply for this benefit to the program; and

72 (d) are active members at the time of retirement or have continued coverage with the  
73 program until the date of eligibility for the benefit under this Subsection (1).

74 (2) The state shall pay the percentage described in Subsection (3) of the cost of  
75 providing Medicare supplemental coverage for members and their surviving spouses covered  
76 under Chapter 19, Utah Governors' and Legislators' Retirement Act who:

77 (a) retire after January 1, 1998;

78 (b) (i) are at least 65 years of age; [~~and~~] or

79 (ii) (A) completed at least 10 years in the Legislature;

80 (B) retired from the Legislature; and

81 (C) quantify for federal Social Security disability benefits under 20 C.F.R., Part 404,

82 Subpart P:

83 (c) elect to receive and apply for this benefit to the program.

84 (3) The following percentages apply to the benefit described in Subsections (1) and (2):

85 (a) 100% if the member has accrued 10 or more years of service credit;

86 (b) 80% if the member has accrued 8 or more years of service credit;

87 (c) 60% if the member has accrued 6 or more years of service credit; and

88 (d) 40% if the member has accrued 4 or more years of service credit.

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**Legislative Review Note**  
as of 2-11-10 3:08 PM

**Office of Legislative Research and General Counsel**