

1 **JUSTICE COURT JUDGES RETIREMENT AMENDMENTS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Todd Weiler**

5 House Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Utah State Retirement and Insurance Benefit Act by amending
10 provisions for certain officers who are elected or appointed.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ establishes the full-time or part-time service status of a justice court judge for
- 14 retirement purposes, based on employer certification and combined workload for
- 15 multiple employers;
- 16 ▶ clarifies the retirement allowance computation for justice court judges; and
- 17 ▶ makes technical changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **49-12-406**, as renumbered and amended by Laws of Utah 2002, Chapter 250

25 **49-13-406**, as renumbered and amended by Laws of Utah 2002, Chapter 250

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



28 Section 1. Section **49-12-406** is amended to read:

29 **49-12-406. Exceptions for part-time elective or appointive service -- Computation**
30 **of allowance -- Justice court judges.**

31 (1) Notwithstanding [any other provision of this title,] the provisions of Sections
32 49-11-401 and 49-12-102, and unless otherwise provided in this section, a member's elective or
33 appointive service rendered on a basis not considered full-time by the office[~~-, unless otherwise~~
34 provided by this chapter,] shall have a separate allowance computed on the basis of
35 compensation actually received by the member during the period of elective or appointive
36 service.

37 (2) (a) A justice court judge who has service with only one participating employer shall
38 be considered part-time or full-time by the office as certified by the participating employer.

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

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

46 (i) a participating employer; or

47 (ii) the Office of the State Court Administrator, based on the judge's total full-time
48 caseload.

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

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

56 (4) All of the service rendered by a justice court judge in any one fiscal or calendar
57 year may not count for more than one year of service credit.

58 Section 2. Section **49-13-406** is amended to read:

59 **49-13-406. Exceptions for part-time elective or appointive service -- Computation**
60 **of allowance -- Justice court judges.**

61 (1) Notwithstanding [~~any other provisions of this title,~~] the provisions of Sections
62 49-11-401 and 49-13-102, and unless otherwise provided in this section, a member's elective or
63 appointive service rendered on a basis not considered full-time by the office[~~, unless otherwise~~
64 provided by this chapter,] shall have a separate allowance computed on the basis of
65 compensation actually received by the member during the period of elective or appointive
66 service.

67 (2) (a) A justice court judge who has service with only one participating employer shall
68 be considered part-time or full-time by the office as certified by the participating employer.

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

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74 employer shall be considered full-time by the office for a period of service in which the judge
75 is certified as full-time by:

76 (i) a participating employer; or

77 (ii) the Office of the State Court Administrator, based on the judge's total full-time
78 caseload.

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

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

86 (4) All of the service rendered by a justice court judge in any one fiscal or calendar
87 year may not count for more than one year of service credit.

Legislative Review Note
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Office of Legislative Research and General Counsel