

1                   **JUSTICE COURT JUDGES RETIREMENT AMENDMENTS**

2                                   2015 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Todd Weiler**

5                                   House Sponsor: Mike K. McKell

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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           ~~Ŝ~~→ [None] This bill provides a special effective date. ←~~Ŝ~~

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

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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 ~~Ŝ~~ → [Office of the State Court Administrator] **Administrative Office of the**  
 47a **Courts** ← ~~Ŝ~~ , 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.

73           (3) (a) A justice court judge who has service with more than one participating  
 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 ~~Ŝ → [Office of the State Court Administrator]~~ **Administrative Office of the**  
 77a **Courts** ←Ŝ, 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.

87a **Ŝ → Section 3. Effective date.**

87b **This bill takes effect on January 1, 2016.** ←Ŝ

**Legislative Review Note**  
**as of 2-17-15 4:45 PM**

**Office of Legislative Research and General Counsel**