

House Engrossed Senate Bill

~~technical correction; double punishment~~  
(now: EORP; appropriation; resignation; retirement)

State of Arizona  
Senate  
Fifty-fifth Legislature  
Second Regular Session  
2022

# SENATE BILL 1002

AN ACT

AMENDING TITLE 38, CHAPTER 5, ARTICLE 3, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 38-805.01; APPROPRIATING MONIES; RELATING TO THE ELECTED  
OFFICIALS' RETIREMENT PLAN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 38, chapter 5, article 3, Arizona Revised  
3 Statutes, is amended by adding section 38-805.01, to read:

4 38-805.01. Resignation; time frame; normal retirement  
5 pension; reemployment; employer contributions

6 A. NOTWITHSTANDING ANY AGE AND SERVICE REQUIREMENT SPECIFIED IN  
7 SECTION 38-805, AN ELECTED OFFICIAL WHO IS A MEMBER OF THE ELECTED  
8 OFFICIALS' RETIREMENT PLAN AND WHO GIVES AN IRREVOCABLE NOTICE OF  
9 RESIGNATION ON OR BEFORE JULY 29, 2022 WITH A DATE OF RESIGNATION AND  
10 RETIREMENT OF NOT LATER THAN SEPTEMBER 30, 2022 MAY RECEIVE PENSION  
11 PAYMENTS FOR NORMAL RETIREMENT AS SPECIFIED IN SECTION 38-808 IF THE  
12 MEMBER MEETS EITHER OF THE FOLLOWING:

13 1. HAS ATTAINED FIFTY-FIVE YEARS OF AGE WITH TEN YEARS OF CREDITED  
14 SERVICE.

15 2. HAS ATTAINED FIFTY-NINE AND ONE-HALF YEARS OF AGE WITH FIVE  
16 YEARS OF CREDITED SERVICE.

17 B. NOTWITHSTANDING THE REEMPLOYMENT PROVISIONS OF SECTION 38-804, A  
18 MEMBER WHO RETIRES PURSUANT TO THIS SECTION AND WHO SUBSEQUENTLY BECOMES  
19 AN ELECTED OFFICIAL MAY NOT:

20 1. MAKE CONTRIBUTIONS TO THE PLAN.

21 2. ACCRUE CREDITED SERVICE UNDER THE PLAN WHILE THE RETIRED MEMBER  
22 IS HOLDING OFFICE.

23 3. PARTICIPATE IN THE ELECTED OFFICIALS' DEFINED CONTRIBUTION  
24 RETIREMENT SYSTEM ESTABLISHED PURSUANT TO ARTICLE 3.1 OF THIS CHAPTER.

25 C. IF A MEMBER RETIRES PURSUANT TO THIS SECTION AND SUBSEQUENTLY  
26 BECOMES AN ELECTED OFFICIAL, REGARDLESS OF WHEN THE RETIRED MEMBER RETURNS  
27 TO WORK, THE EMPLOYER SHALL PAY CONTRIBUTIONS AT AN ALTERNATE CONTRIBUTION  
28 RATE AS REQUIRED AND CALCULATED PURSUANT TO SECTION 38-810.04.

29 Sec. 2. Appropriation; elected officials' retirement plan;  
30 exemption

31 A. The sum of \$60,000,000 is appropriated from the state general  
32 fund in fiscal year 2022-2023 to the elected officials' retirement plan  
33 fund established by section 38-802, Arizona Revised Statutes, for the  
34 elected officials' retirement plan's unfunded accrued liability.

35 B. The board of trustees of the public safety personnel retirement  
36 system shall account for the appropriation made in subsection A of this  
37 section in the June 30, 2023 actuarial valuation of the elected officials'  
38 retirement plan.

39 C. The appropriation made in subsection A of this section is exempt  
40 from the provisions of section 35-190, Arizona Revised Statutes, relating  
41 to lapsing of appropriations.

42 Sec. 3. Emergency

43 This act is an emergency measure that is necessary to preserve the  
44 public peace, health or safety and is operative immediately as provided by  
45 law.