

COMMITTEE ON MILITARY AFFAIRS & PUBLIC SAFETY
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2329
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 38-865, Arizona Revised Statutes, is amended to
3 read:

4 38-865. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Annuity account" means an account that is established for each
7 participant to record the deposit of participant contributions, employer
8 contributions and interest, dividends or other accumulations credited on
9 behalf of the participant.

10 2. "Board" means the board of trustees of the public safety
11 personnel retirement system established by section 38-848.

12 3. "Compensation":

13 (a) For participants as defined in paragraph 7, subdivision (a) of
14 this section and section 38-865.01, has the same meaning prescribed in
15 section 38-842.

16 (b) For participants as defined in paragraph 7, subdivision (b) of
17 this section, means salary as defined in section 38-881.

18 4. "Defined contribution plan" means the public safety personnel
19 defined contribution retirement plan established pursuant to this article.

20 5. "Employer" has the same meaning prescribed in section 38-842 or
21 38-881, as applicable.

22 6. "Employer contribution" means an amount deposited by an employer,
23 from the employer's own monies, in the participant's annuity account on a
24 periodic basis coinciding with the participant's regular pay period.

1 7. "Participant" means:

2 (a) A member as defined in section 38-842, paragraph 31, subdivision
3 (a), excluding subdivision (a), item (vi), who is one of the following:

4 (i) An employee who is hired on or after July 1, 2017, who makes the
5 irrevocable election to participate solely in the defined contribution plan
6 established pursuant to this article and who was not an active, an inactive
7 or a retired member of the system or a member of the system with a
8 disability on June 30, 2017.

9 (ii) An employee who is hired on or after July 1, 2017, who is not
10 covered by the federal old age and survivors insurance system and who makes
11 the irrevocable election to participate in the system or is enrolled in the
12 system pursuant to section 38-842.01, subsection A.

13 (b) A member as defined in section 38-881, paragraph 27, subdivision
14 (a) who is one of the following:

15 (i) An employee who is hired on or after July 1, 2018, who is not in
16 a designated position as defined in section 38-881, paragraph 13,
17 subdivision (g) and who was not an active, an inactive or a retired member
18 of the corrections officer retirement plan or a member of the corrections
19 officer retirement plan with a disability on June 30, 2018.

20 (ii) An employee who is hired on or after July 1, 2018, who is in a
21 designated position as defined in section 38-881, paragraph 13, subdivision
22 (g), who makes the irrevocable election pursuant to section 38-881.01 to
23 participate solely in the defined contribution plan established pursuant to
24 this article and who was not an active, an inactive or a retired member of
25 the corrections officer retirement plan or a member of the corrections
26 officer retirement plan with a disability on June 30, 2018.

27 (iii) AN EMPLOYEE WHO IS HIRED ON OR AFTER JULY 1, 2025, WHO IS NOT
28 IN A DESIGNATED POSITION AS DEFINED IN SECTION 38-881, PARAGRAPH 13,
29 SUBDIVISION (g), WHO MAKES THE IRREVOCABLE ELECTION PURSUANT TO SECTION
30 38-881.01 TO PARTICIPATE SOLELY IN THE DEFINED CONTRIBUTION PLAN
31 ESTABLISHED PURSUANT TO THIS ARTICLE AND WHO WAS NOT AN ACTIVE, AN INACTIVE
32 OR A RETIRED MEMBER OF THE CORRECTIONS OFFICER RETIREMENT PLAN OR A MEMBER

1 OF THE CORRECTIONS OFFICER RETIREMENT PLAN WITH A DISABILITY ON JUNE 30,
2 2025.

3 8. "Pensionable compensation" means the amount of the participant's
4 annual compensation that does not exceed the limitation specified in
5 section 38-843.04 or 38-895.01, as applicable.

6 9. "System" means the public safety personnel retirement system
7 established by article 4 of this chapter.

8 Sec. 2. Section 38-881, Arizona Revised Statutes, is amended to
9 read:

10 38-881. Definitions

11 In this article, unless the context otherwise requires:

12 1. "Accidental disability" means a physical or mental condition that
13 the local board finds totally and permanently prevents an employee from
14 performing a reasonable range of duties within the employee's department
15 and was incurred in the performance of the employee's duties.

16 2. "Accumulated member contributions" means for each member the sum
17 of the amount of all the member's contributions deducted from the member's
18 salary and paid to the fund, plus member contributions transferred to the
19 fund by another retirement plan covering public employees of this state,
20 plus previously withdrawn accumulated member contributions that are repaid
21 to the fund in accordance with this article, minus any benefits paid to or
22 on behalf of a member.

23 3. "Actuarial equivalent" means equality in present value of the
24 aggregate amounts expected to be received under two different forms of
25 payment, based on mortality and interest assumptions adopted by the board.

26 4. "Alternate payee" means the spouse or former spouse of a
27 participant as designated in a domestic relations order.

28 5. "Alternate payee's portion" means benefits that are payable to an
29 alternate payee pursuant to a plan approved domestic relations order.

30 6. "Annuitant" means a person who is receiving a benefit pursuant to
31 section 38-911.

32 7. "Average monthly salary" means:

1 (a) For an employee who becomes a member of the plan:

2 (i) Before January 1, 2012, one-thirty-sixth of the aggregate amount
3 of salary that is paid a member by a participating employer during a period
4 of thirty-six consecutive months of service in which the member received
5 the highest salary within the last one hundred twenty months of service.

6 (ii) On or after January 1, 2012 and before July 1, 2018,
7 one-sixtieth of the aggregate amount of salary that is paid a member by a
8 participating employer during a period of sixty consecutive months of
9 service in which the member received the highest salary within the last one
10 hundred twenty months of service.

11 (iii) On or after July 1, 2018, one-sixtieth of the aggregate amount
12 of salary that is paid a member by a participating employer during a period
13 of sixty consecutive months of service in which the member received the
14 highest salary within the last one hundred twenty months of service.

15 (b) The aggregate amount of salary that is paid a member divided by
16 the member's months of service if the member has less than thirty-six or
17 sixty months of service. In the computation under this paragraph, a period
18 of nonpaid or partially paid industrial leave shall be considered based on
19 the salary the employee would have received in the employee's job
20 classification if the employee was not on industrial leave.

21 8. "Beneficiary" means an individual who is being paid or who has
22 entitlement to the future payment of a pension on account of a reason other
23 than the individual's membership in the retirement plan.

24 9. "Board" means the board of trustees of the public safety
25 personnel retirement system.

26 10. "Claimant" means a member, beneficiary or estate that files an
27 application for benefits with the retirement plan.

28 11. "Credited service" means credited service transferred to the
29 retirement plan from another retirement system or plan for public employees
30 of this state, plus those compensated periods of service as a member of the
31 retirement plan for which member contributions are on deposit in the fund.

1 12. "Cure period" means the ninety-day period in which a participant
2 or alternate payee may submit an amended domestic relations order and
3 request a determination, calculated from the time the plan issues a
4 determination finding that a previously submitted domestic relations order
5 did not qualify as a plan approved domestic relations order.

6 13. "Designated position" means:

7 (a) For a county:

8 (i) A county detention officer.

9 (ii) A nonuniformed employee of a sheriff's department whose primary
10 duties require direct contact with inmates.

11 (b) For the state department of corrections and the department of
12 juvenile corrections, only the following specifically designated positions:

13 (i) Food service.

14 (ii) Nursing personnel.

15 (iii) Corrections physician assistant.

16 (iv) Therapist.

17 (v) Corrections dental assistant.

18 (vi) Hygienist.

19 (vii) Corrections medical assistant.

20 (viii) Correctional service officer, including assistant deputy
21 warden, deputy warden, warden and superintendent.

22 (ix) State correctional program officer.

23 (x) Parole or community supervision officers.

24 (xi) Investigators.

25 (xii) Teachers.

26 (xiii) Institutional maintenance workers.

27 (xiv) Youth corrections officer.

28 (xv) Youth program officer.

29 (xvi) Behavioral health treatment unit managers.

30 (xvii) The director and assistant directors of the department of
31 juvenile corrections and the superintendent of the state educational system
32 for committed youth.

1 (xviii) The director, deputy directors and assistant directors of
2 the state department of corrections.

3 (xix) Other positions designated by the local board of the state
4 department of corrections or the local board of the department of juvenile
5 corrections pursuant to section 38-891.

6 (c) For a city or town, a city or town detention officer.

7 (d) For an employer of an eligible group as defined in section
8 38-842, full-time dispatchers.

9 (e) For the judiciary, juvenile detention officers and those
10 positions designated by the local board of the judiciary pursuant to
11 section 38-891.

12 (f) For the department of public safety, state detention officers.

13 (g) For the judiciary, probation and surveillance officers.

14 14. "Determination" means a written document that indicates to a
15 participant and alternate payee whether a domestic relations order
16 qualifies as a plan approved domestic relations order.

17 15. "Determination period" means the ninety-day period in which the
18 plan must review a domestic relations order that is submitted by a
19 participant or alternate payee to determine whether the domestic relations
20 order qualifies as a plan approved domestic relations order, calculated
21 from the time the plan mails a notice of receipt to the participant and
22 alternate payee.

23 16. "Direct rollover" means a payment by the plan to an eligible
24 retirement plan that is specified by the distributee.

25 17. "Distributee" means a member, a member's surviving spouse or a
26 member's spouse or former spouse who is the alternate payee under a plan
27 approved domestic relations order.

28 18. "Domestic relations order" means an order of a court of this
29 state that is made pursuant to the domestic relations laws of this state
30 and that creates or recognizes the existence of an alternate payee's right
31 to, or assigns to an alternate payee the right to, receive a portion of the
32 benefits payable to a participant.

1 19. "Eligible child" means an unmarried child of a deceased active
2 or retired member who meets one of the following qualifications:

3 (a) Is under eighteen years of age.

4 (b) Is at least eighteen years of age and under twenty-three years
5 of age only during any period that the child is a full-time student.

6 (c) Is under a disability that began before the child attained
7 twenty-three years of age and remains a dependent of the surviving spouse
8 or guardian.

9 20. "Eligible retirement plan" means any of the following that
10 accepts a distributee's eligible rollover distribution:

11 (a) An individual retirement account described in section 408(a) of
12 the internal revenue code.

13 (b) An individual retirement annuity described in section 408(b) of
14 the internal revenue code.

15 (c) An annuity plan described in section 403(a) of the internal
16 revenue code.

17 (d) A qualified trust described in section 401(a) of the internal
18 revenue code.

19 (e) An annuity contract described in section 403(b) of the internal
20 revenue code.

21 (f) An eligible deferred compensation plan described in section
22 457(b) of the internal revenue code that is maintained by a state, a
23 political subdivision of a state or any agency or instrumentality of a
24 state or a political subdivision of a state and that agrees to separately
25 account for amounts transferred into the eligible deferred compensation
26 plan from this plan.

27 (g) Effective January 1, 2008, a Roth individual retirement account
28 that satisfies the requirements of section 408A of the internal revenue
29 code.

30 (h) For distributions made after December 18, 2015, a simple
31 retirement account as defined in section 408(p) of the internal revenue
32 code.

1 21. "Eligible rollover distribution" means a payment to a
2 distributee, but does not include any of the following:

3 (a) Any distribution that is one of a series of substantially equal
4 periodic payments made not less frequently than annually for the life or
5 life expectancy of the member or the joint lives or joint life expectancies
6 of the member and the member's beneficiary or for a specified period of ten
7 years or more.

8 (b) Any distribution to the extent the distribution is required
9 under section 401(a)(9) of the internal revenue code.

10 (c) The portion of any distribution that may not be included in
11 gross income.

12 (d) Any distribution made to satisfy the requirements of section 415
13 of the internal revenue code.

14 (e) Hardship distributions.

15 (f) Similar items designated by the commissioner of the United
16 States internal revenue service in revenue rulings, notices and other
17 guidance published in the internal revenue bulletin.

18 22. "Employee" means a person employed by a participating employer
19 in a designated position.

20 23. "Employer" means an agency or department of this state or a
21 political subdivision of this state that has one or more employees in a
22 designated position.

23 24. "Fund" means the corrections officer retirement plan fund.

24 25. "Juvenile detention officer" means a juvenile detention officer
25 responsible for the direct custodial supervision of juveniles who are
26 detained in a county juvenile detention center.

27 26. "Local board" means the retirement board of the employer that
28 consists of persons appointed or elected to administer the plan as it
29 applies to the employer's members in the plan.

30 27. "Member":

31 (a) Means any employee who meets all of the following
32 qualifications:

1 (i) Who is a full-time paid person employed by a participating
2 employer in a designated position.

3 (ii) Who is receiving salary for personal services rendered to a
4 participating employer or would be receiving salary except for an
5 authorized leave of absence.

6 (iii) Whose customary employment is at least forty hours each week.

7 (b) Includes an employee who meets the requirements of subdivision
8 (a) of this paragraph, ~~AND~~ AND who MEETS ONE OF THE FOLLOWING:

9 (i) Is hired on or after July 1, 2018, who is in a designated
10 position as defined in paragraph 13, subdivision (g) of this section and
11 who makes the irrevocable election to participate in the plan pursuant to
12 section 38-881.01.

13 (ii) IS HIRED ON OR AFTER JULY 1, 2025 AND WHO MAKES THE IRREVOCABLE
14 ELECTION TO PARTICIPATE IN THE PLAN PURSUANT TO SECTION 38-881.01.

15 (iii) IS HIRED ON OR AFTER JULY 1, 2018 AND BEFORE THE EFFECTIVE
16 DATE OF THIS AMENDMENT TO THIS SECTION AND WHO MAKES THE IRREVOCABLE
17 ELECTION TO PARTICIPATE IN THE PLAN PURSUANT TO SECTION 38-881.02.

18 (c) Except as provided in subdivision (b) of this paragraph, does
19 not include an employee who is hired on or after July 1, 2018, unless the
20 employee was an active, an inactive or a retired member of the plan or a
21 member of the plan with a disability on June 30, 2018.

22 28. "Normal retirement date" means:

23 (a) For an employee who becomes a member of the plan before January
24 1, 2012, the first day of the calendar month immediately following the
25 employee's completion of twenty years of service or, in the case of a
26 dispatcher, twenty-five years of service, the employee's sixty-second
27 birthday and completion of ten years of service or the month in which the
28 sum of the employee's age and years of credited service equals eighty.

29 (b) For an employee who becomes a member of the plan on or after
30 January 1, 2012 and before July 1, 2018, the first day of the calendar
31 month immediately following the employee's completion of twenty-five years
32 of service if the employee is at least fifty-two and one-half years of age

1 or the employee's sixty-second birthday and completion of ten years of
2 service.

3 (c) For an employee who becomes a member of the plan on or after
4 July 1, 2018, the first day of the calendar month immediately following the
5 employee's completion of ten years of credited service if the employee is
6 at least fifty-five years of age.

7 29. "Notice of receipt" means a written document that is issued by
8 the plan to a participant and alternate payee and that states that the plan
9 has received a domestic relations order and a request for a determination
10 that the domestic relations order is a plan approved domestic relations
11 order.

12 30. "Ordinary disability" means a physical condition that the local
13 board determines will totally and permanently prevent an employee from
14 performing a reasonable range of duties within the employee's department or
15 a mental condition that the local board determines will totally and
16 permanently prevent an employee from engaging in any substantial gainful
17 activity.

18 31. "Participant" means a member who is subject to a domestic
19 relations order.

20 32. "Participant's portion" means benefits that are payable to a
21 participant pursuant to a plan approved domestic relations order.

22 33. "Participating employer" means an employer that the board has
23 determined to have one or more employees in a designated position or a
24 county, city, town or department of this state that has entered into a
25 joinder agreement pursuant to section 38-902.

26 34. "Pension" means a series of monthly payments by the retirement
27 plan but does not include an annuity that is payable pursuant to section
28 38-911.

29 35. "Personal representative" means the personal representative of a
30 deceased alternate payee.

31 36. "Physician" means a physician who is licensed pursuant to title
32 32, chapter 13 or 17.

1 37. "Plan approved domestic relations order" means a domestic
2 relations order that the plan approves as meeting all the requirements for
3 a plan approved domestic relations order as otherwise prescribed in this
4 article.

5 38. "Plan year" or "fiscal year" means the period beginning on July
6 1 of any year and ending on June 30 of the next succeeding year.

7 39. "Probation or surveillance officer" means an officer appointed
8 pursuant to section 8-203, 12-251 or 12-259 but does not include other
9 personnel, office assistants or support staff.

10 40. "Retired member" means an individual who terminates employment
11 and who is receiving a pension pursuant to either section 38-885 or 38-886.

12 41. "Retirement" or "retired" means termination of employment after
13 a member has fulfilled all requirements for a pension or, for an employee
14 who becomes a member of the plan on or after January 1, 2012, attains the
15 age and service requirements for a normal retirement date.

16 42. "Retirement plan" or "plan" means the corrections officer
17 retirement plan established by this article.

18 43. "Salary" means the base salary, shift differential pay, military
19 differential wage pay and holiday pay paid a member for personal services
20 rendered in a designated position to a participating employer on a regular
21 monthly, semimonthly or biweekly payroll basis. Salary includes amounts
22 that are subject to deferred compensation or tax shelter
23 agreements. Salary does not include payment for any remuneration or
24 reimbursement other than as prescribed by this paragraph. For the purposes
25 of this paragraph, "base salary" means the amount of compensation each
26 member is regularly paid for personal services rendered to an employer
27 before the addition of any extra monies, including overtime pay, shift
28 differential pay, holiday pay, fringe benefit pay and similar extra
29 payments.

30 44. "Segregated funds" means the amount of benefits that would
31 currently be payable to an alternate payee pursuant to a domestic relations
32 order under review by the plan, or a domestic relations order submitted to

1 the plan that failed to qualify as a plan approved domestic relations
2 order, if the domestic relations order were determined to be a plan
3 approved domestic relations order.

4 45. "Service" means employment rendered to a participating employer
5 as an employee in a designated position. Any absence that is authorized by
6 an employer, including any periods during which the employee is on an
7 employer-sponsored long-term disability program, is considered as service
8 if the employee returns or is deemed by the employer to have returned to a
9 designated position within the period of the authorized absence.

10 46. "Total and permanent disability" means a physical or mental
11 condition that is not an accidental disability, that the local board finds
12 totally and permanently prevents a member from engaging in any gainful
13 employment and that is the direct and proximate result of the member's
14 performance of the member's duty as an employee of a participating
15 employer.

16 Sec. 3. Section 38-881.01, Arizona Revised Statutes, is amended to
17 read:

18 38-881.01. Employees hired on or after July 1, 2018; employees
19 hired on or after July 1, 2025; defined
20 contribution plan; benefit election; disability

21 A. Except as provided in ~~subsection~~ SUBSECTIONS B AND C of this
22 section, an employee who is hired on or after July 1, 2018 AND BEFORE JULY
23 1, 2025, who is a member as defined in section 38-881, paragraph 27,
24 subdivision (a) and who was not an active, an inactive or a retired member
25 of the plan or a member of the plan with a disability on June 30, 2018
26 shall participate in the public safety personnel defined contribution
27 retirement plan established pursuant to article 4.1 of this chapter. For
28 an employee who is hired on or after September 1, 2019, the employee's
29 participation in the public safety personnel defined contribution
30 retirement plan established pursuant to article 4.1 of this chapter begins
31 ninety days after the date the employee is hired.

1 B. An employee who is hired on or after July 1, 2018, who is in a
2 designated position as defined in section 38-881, paragraph 13, subdivision
3 (g) and who was not an active, an inactive or a retired member of the plan
4 or a member of the plan with a disability on June 30, 2018 is eligible to
5 participate in the corrections officer retirement plan or the public safety
6 personnel defined contribution retirement plan established pursuant to
7 article 4.1 of this chapter, depending on the employee's election under
8 this section. During the first sixty days of an employee's employment and
9 before the employee makes a decision regarding the individual's retirement
10 plan, the board shall provide each probation and surveillance officer who
11 is hired on or after July 1, 2018 interactive, objective educational
12 training, counseling and participant-specific plan information about both
13 the corrections officer retirement plan and the public safety personnel
14 defined contribution retirement plan options. The employee's participation
15 in either the plan or the public safety personnel defined contribution
16 retirement plan established pursuant to article 4.1 of this chapter begins
17 ninety days after the date the employee is hired. Unless the elections
18 made under this section are made before the ninetieth day after the date of
19 employment, the employee is automatically enrolled in the plan for the
20 remainder of the employee's employment. Any election made under this
21 section is irrevocable and is the employee's election for the remainder of
22 the employee's employment, unless the employee is subsequently in a
23 position that allows for an election under this section. If an employee is
24 subsequently rehired after a bona fide termination of employment from the
25 employee's employer of not less than six months with no prearranged
26 reemployment agreement with the employer or hired by a new employer, the
27 employee may make a new election under this section before the ninetieth
28 day after the date of hire. If the employee does not make a new election
29 within that time frame, the employee's previous election will
30 continue. The employee may make one of the following irrevocable
31 elections:

- 32 1. To participate solely in the corrections officer retirement plan.

1 2. To participate solely in the public safety personnel defined
2 contribution retirement plan established pursuant to article 4.1 of this
3 chapter.

4 C. AN EMPLOYEE WHO IS HIRED ON OR AFTER JULY 1, 2025, WHO IS A
5 MEMBER AS DEFINED IN SECTION 38-881, PARAGRAPH 27, SUBDIVISION (a) AND WHO
6 WAS NOT AN ACTIVE, AN INACTIVE OR A RETIRED MEMBER OF THE PLAN OR A MEMBER
7 OF THE PLAN WITH A DISABILITY ON JUNE 30, 2025 IS ELIGIBLE TO PARTICIPATE
8 IN THE CORRECTIONS OFFICER RETIREMENT PLAN OR THE PUBLIC SAFETY PERSONNEL
9 DEFINED CONTRIBUTION RETIREMENT PLAN ESTABLISHED PURSUANT TO ARTICLE 4.1 OF
10 THIS CHAPTER, DEPENDING ON THE EMPLOYEE'S ELECTION UNDER THIS
11 SECTION. DURING THE FIRST SIXTY DAYS OF AN EMPLOYEE'S EMPLOYMENT AND
12 BEFORE THE EMPLOYEE MAKES A DECISION REGARDING THE INDIVIDUAL'S RETIREMENT
13 PLAN, THE BOARD SHALL PROVIDE EACH EMPLOYEE WHO IS HIRED ON OR AFTER JULY
14 1, 2025 INTERACTIVE, OBJECTIVE EDUCATIONAL TRAINING, COUNSELING AND
15 PARTICIPANT-SPECIFIC PLAN INFORMATION ABOUT BOTH THE CORRECTIONS OFFICER
16 RETIREMENT PLAN AND THE PUBLIC SAFETY PERSONNEL DEFINED CONTRIBUTION
17 RETIREMENT PLAN OPTIONS. THE EMPLOYEE'S PARTICIPATION IN EITHER THE PLAN
18 OR THE PUBLIC SAFETY PERSONNEL DEFINED CONTRIBUTION RETIREMENT PLAN
19 ESTABLISHED PURSUANT TO ARTICLE 4.1 OF THIS CHAPTER BEGINS NINETY DAYS
20 AFTER THE DATE THE EMPLOYEE IS HIRED. UNLESS THE ELECTIONS MADE UNDER THIS
21 SECTION ARE MADE BEFORE THE NINETIETH DAY AFTER THE DATE OF EMPLOYMENT, THE
22 EMPLOYEE IS AUTOMATICALLY ENROLLED IN THE PLAN FOR THE REMAINDER OF THE
23 EMPLOYEE'S EMPLOYMENT. ANY ELECTION MADE UNDER THIS SECTION IS IRREVOCABLE
24 AND IS THE EMPLOYEE'S ELECTION FOR THE REMAINDER OF THE EMPLOYEE'S
25 EMPLOYMENT, UNLESS THE EMPLOYEE IS SUBSEQUENTLY IN A POSITION THAT ALLOWS
26 FOR AN ELECTION UNDER THIS SECTION. IF AN EMPLOYEE IS SUBSEQUENTLY REHIRED
27 AFTER A BONA FIDE TERMINATION OF EMPLOYMENT FROM THE EMPLOYEE'S EMPLOYER OF
28 NOT LESS THAN SIX MONTHS WITH NO PREARRANGED REEMPLOYMENT AGREEMENT WITH
29 THE EMPLOYER OR HIRED BY A NEW EMPLOYER, THE EMPLOYEE MAY MAKE A NEW
30 ELECTION UNDER THIS SECTION BEFORE THE NINETIETH DAY AFTER THE DATE OF
31 HIRE. IF THE EMPLOYEE DOES NOT MAKE A NEW ELECTION WITHIN THAT TIME FRAME,

1 THE EMPLOYEE'S PREVIOUS ELECTION WILL CONTINUE. THE EMPLOYEE MAY MAKE ONE
2 OF THE FOLLOWING IRREVOCABLE ELECTIONS:

3 1. TO PARTICIPATE SOLELY IN THE CORRECTIONS OFFICER RETIREMENT PLAN.

4 2. TO PARTICIPATE SOLELY IN THE PUBLIC SAFETY PERSONNEL DEFINED
5 CONTRIBUTION RETIREMENT PLAN ESTABLISHED PURSUANT TO ARTICLE 4.1 OF THIS
6 CHAPTER.

7 ~~D.~~ D. If an employee specified in ~~subsection~~ SUBSECTIONS B AND C of
8 this section in the employee's first ninety days of employment is
9 determined to be eligible for an accidental or total and permanent
10 disability pension pursuant to section 38-886, the employee shall be
11 automatically enrolled in the corrections officer retirement plan for the
12 remainder of the employee's employment with any employer under the plan
13 commencing on the employee's date of disability and shall receive an
14 accidental or total and permanent disability pension as prescribed in this
15 article.

16 ~~E.~~ E. If an employee specified in ~~subsection~~ SUBSECTIONS B AND C of
17 this section in the employee's first ninety days of employment is killed in
18 the line of duty or dies from injuries suffered in the line of duty, the
19 employee shall be considered as having been enrolled in the corrections
20 officer retirement plan and the surviving spouse of the deceased employee
21 is eligible for survivor benefits as prescribed in this article.

22 ~~F.~~ F. Notwithstanding ~~subsection~~ SUBSECTIONS B AND C of this
23 section, if an employee who is hired on or after July 1, 2018 and who is an
24 active or inactive member of the plan or a participant in the public safety
25 personnel defined contribution RETIREMENT plan established pursuant to
26 article 4.1 of this chapter is subsequently rehired by the employee's
27 previous employer or another employer under the plan, the employee's
28 participation in either the plan or the public safety personnel defined
29 contribution RETIREMENT plan, for which the employee had elected to
30 participate, begins on the date the employee is rehired or hired by another
31 employer. If the employee makes a new election pursuant to ~~subsection~~
32 SUBSECTIONS B AND C of this section, the employee's participation in the

1 previous plan continues until the date ~~in~~ ON which the employee makes a
2 different election, not to exceed ninety days after the date of hire for
3 the eligible position.

4 Sec. 4. Title 38, chapter 5, article 6, Arizona Revised Statutes, is
5 amended by adding section 38-881.02, to read:

6 38-881.02. Employees hired on and after July 1, 2018 and
7 before the effective date of this section:
8 benefit election

9 A. NOTWITHSTANDING SECTION 38-881.01, SUBSECTION A, A PERSON WHO IS
10 A MEMBER AS DEFINED IN SECTION 38-881, PARAGRAPH 27, SUBDIVISION (a), WHO
11 WAS HIRED ON OR AFTER JULY 1, 2018 AND BEFORE THE EFFECTIVE DATE OF THIS
12 SECTION AND WHO PARTICIPATES IN THE PUBLIC SAFETY PERSONNEL DEFINED
13 CONTRIBUTION RETIREMENT PLAN ESTABLISHED PURSUANT TO ARTICLE 4.1 OF THIS
14 CHAPTER HAS NINETY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION TO MAKE
15 ONE OF THE FOLLOWING ELECTIONS:

16 1. TO CONTINUE PARTICIPATING IN THE PUBLIC SAFETY PERSONNEL DEFINED
17 CONTRIBUTION RETIREMENT PLAN ESTABLISHED PURSUANT TO ARTICLE 4.1 OF THIS
18 CHAPTER.

19 2. TO PARTICIPATE SOLELY IN THE CORRECTIONS OFFICER RETIREMENT PLAN.

20 B. IF AN ELECTION IS NOT MADE UNDER THIS SECTION BEFORE THE
21 NINETIETH DAY AFTER THE EFFECTIVE DATE OF THIS SECTION, THE EMPLOYEE SHALL
22 CONTINUE TO BE ENROLLED IN THE PUBLIC SAFETY PERSONNEL DEFINED CONTRIBUTION
23 RETIREMENT PLAN ESTABLISHED PURSUANT TO ARTICLE 4.1 OF THIS CHAPTER FOR THE
24 REMAINDER OF THE EMPLOYEE'S EMPLOYMENT."

25 Amend title to conform

And, as so amended, it do pass

KEVIN PAYNE
CHAIRMAN

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