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

CHAPTER 323

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

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

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

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

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

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

1. MAKE CONTRIBUTIONS TO THE PLAN.
2. ACCRUE CREDITED SERVICE UNDER THE PLAN WHILE THE RETIRED MEMBER IS HOLDING OFFICE.
3. PARTICIPATE IN THE ELECTED OFFICIALS' DEFINED CONTRIBUTION RETIREMENT SYSTEM ESTABLISHED PURSUANT TO ARTICLE 3.1 OF THIS CHAPTER.

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

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

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

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

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

Sec. 3. Emergency

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

- 1 -