

House Engrossed Senate Bill

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

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)

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.

APPROVED BY THE GOVERNOR JUNE 28, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 28, 2022.