

**FORTY-FIFTH LEGISLATURE  
FIRST SESSION, 2001**

**March 14, 2001**

**Mr. Speaker:**

**Your EDUCATION COMMITTEE, to whom has been referred  
SENATE BILL 109, as amended  
has had it under consideration and reports same with  
recommendation that it DO PASS, amended as follows:**

1. On page 1, line 20, after "participant" insert "or a retired member".

2. On page 7, line 21, strike "and".

3. On page 7, line 24, after "1978" strike the remainder of the line and insert in lieu thereof a semicolon and "and" and between lines 24 and 25, insert the following new subsection:

"Z. "retired member" means a regular member whose employment has been terminated by reason of age and who is receiving or is eligible to receive retirement benefits.".

4. On page 13, line 16, after "unless" insert "otherwise provided by law or unless".

5. On page 20, line 9, strike "Retirement" and insert in lieu thereof "Except as provided in Subsection H of this section, retirement".

6. On page 20, between lines 18 and 19, insert the following new subsection:

"H. Retirement benefits for a member age sixty or over, retired pursuant to the Educational Retirement Act on or after July 1, 2004, shall be paid monthly and shall be:

(1) for a member whose total service credit is equal to or greater than twenty-six years but less than twenty-seven years, one-twelfth of a sum equal to two and thirty-eight hundredths percent of the member's average annual salary multiplied by the number of years of the member's total service credit; provided that this subsection shall not apply to any member who was retired in any of the four consecutive

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quarters ending on June 30, 2004 without having accumulated at least one year earned service credit beginning on or after July 1, 2003;

(2) for a member whose total service credit is equal to or greater than twenty-seven years but less than twenty-eight years, one-twelfth of a sum equal to two and forty-one hundredths percent of the member's average annual salary multiplied by the number of years of the member's total service credit; provided that this subsection shall not apply to any member who was retired in any of the four consecutive quarters ending on June 30, 2004 without having accumulated at least one year earned service credit beginning on or after July 1, 2003;

(3) for a member whose total service credit is equal to or greater than twenty-eight years but less than twenty-nine years, one-twelfth of a sum equal to two and forty-four hundredths percent of the member's average annual salary multiplied by the number of years of the member's total service credit; provided that this subsection shall not apply to any member who was retired in any of the four consecutive quarters ending on June 30, 2004 without having accumulated at least one year earned service credit beginning on or after July 1, 2003;

(4) for a member whose total service credit is equal to or greater than twenty-nine years but less than less than thirty years, one-twelfth of a sum equal to two and forty-seven hundredths percent of the member's average annual salary multiplied by the number of years of the member's total service credit; provided that this subsection shall not apply to any member who was retired in any of the four consecutive quarters ending on June 30, 2004 without having accumulated at least one year earned service credit beginning on or after July 1, 2003; or

(5) for a member whose total service credit is thirty years or greater, one-twelfth of a sum equal to two and one-half percent of the member's average annual salary multiplied by the number of years of the member's total service credit; provided that this subsection shall not apply to any member who was retired in any of the four consecutive quarters ending on June 30, 2004 without having accumulated at least one year earned service credit beginning on or after

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July 1, 2003."

7. Reletter the succeeding subsection accordingly.

8. On page 23, line 12, strike "section" and insert in lieu thereof "paragraph".

9. On page 23, line 24, strike "or".

10. On page 24, line 3, strike the period and insert in lieu thereof a semicolon and "or" and between lines 3 and 4, insert the following new paragraph:

"(5) engaged in United States military service or the commission corps of the public health service from which he was honorably discharged if he contributes to the fund a sum equal to twenty-five percent of his current annual salary at the time of purchase pursuant to the Educational Retirement Act and subject to the federal Uniformed Services Employment and Reemployment Rights Act of 1994 for each year of service credit he desires to purchase. The purchase of service credit provided in this paragraph shall be carried out by the member after three or more years from the date of the member's employment following service."

**Respectfully submitted,**

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Rick Miera, Chairman

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_

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The roll call vote was 10 For 0 Against

Yes: 10

Excused: Cordova, King, Stapleton

Absent: None

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