

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 231

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1342, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN MEMBERS' INITIAL SERVICE RETIREMENT ALLOWANCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 59-1346, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN MEMBERS' ACCRUED RETIREMENT ALLOWANCE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 59-1342, Idaho Code, be, and the same is hereby amended to read as follows:

59-1342. COMPUTATION OF SERVICE RETIREMENT ALLOWANCES – MINIMUM BENEFITS. (1) The annual amount of accrued retirement allowance for each month of credited service for which a member was not classified as a police member or firefighter shall equal one and two-thirds percent (1 2/3%) of the member's average monthly salary. Effective October 1, 1992, the annual amount of accrued retirement allowance for all service for which a member was not classified as a police member or firefighter shall equal one and seventy-five hundredths percent (1.75%) of the member's average monthly salary; effective October 1, 1993, the annual amount of accrued retirement allowance shall equal one and eight hundred thirty-three thousandths percent (1.833%) of the member's average monthly salary; effective October 1, 1994, the annual amount of accrued retirement allowance shall equal one and nine hundred seventeen thousandths percent (1.917%); and effective June 30, 2000, the annual amount of accrued retirement allowance shall equal two percent (2%) of the member's average monthly salary. Entitlement to an annual amount of accrued retirement allowance shall not vest until the effective date of that annual amount of accrued retirement allowance. The retirement benefits shall be calculated on the amounts, terms and conditions in effect on the date of the final contribution by the member. The annual amount of initial service retirement allowance of such a member shall equal (a) or (b), whichever is greater:

- (a) ~~the~~ member's accrued retirement allowance; or
(b) ~~the~~ five dollars (\$5.00) multiplied by the number of months of credited service and by the bridging factor, as provided in section 59-1355, Idaho Code, between July 1, 1974 and the first of the month following the member's final contribution.

(2) The annual amount of accrued retirement allowance for each month of credited service for which a member was classified as a police member or firefighter shall equal two percent (2%) of the member's average monthly salary. Effective October 1, 1992, the annual amount of accrued retirement allowance for all service for which a member was classified as a police member or firefighter shall equal two and seventy-five thousandths percent (2.075%) of the member's average monthly salary; effective October 1, 1993, the annual amount of accrued retirement allowance shall equal two and fifteen hundredths percent (2.15%) of the member's

1 average monthly salary; effective October 1, 1994, the annual amount of accrued retirement  
 2 allowance shall equal two and two hundred twenty-five thousandths percent (2.225%); and  
 3 effective June 30, 2000, the annual amount of accrued retirement allowance shall equal two and  
 4 three-tenths percent (2.3%) of the member's average monthly salary. Entitlement to an annual  
 5 amount of accrued retirement allowance shall not vest until the effective date of that annual  
 6 amount of accrued retirement allowance. The retirement benefits shall be calculated on the  
 7 amounts, terms and conditions in effect on the date of the final contribution by the member.  
 8 The annual amount of initial service retirement allowance of such a member shall equal (a) or  
 9 (b), whichever is greater:

10 (a) ~~¶~~The member's accrued retirement allowance; or

11 (b) ~~§~~Six dollars (\$6.00) multiplied by the number of months of credited service and by  
 12 the bridging factor, as provided in section 59-1355, Idaho Code, between July 1, 1974 and  
 13 the first of the month following the member's final contribution.

14 (3) Provisions of this section shall be applicable to members and contingent annuitants  
 15 of the retirement system and to members, annuitants and beneficiaries of the teachers and city  
 16 systems. In any recomputation of an initial retirement allowance for a person not making a  
 17 final contribution subsequent to 1974, the bridging factor referred to in subsections (1) and (2)  
 18 shall be 1.000. Any recomputed retirement allowance shall be payable only prospectively from  
 19 July 1, 1974.

20 (4) Benefits payable to a person who became a member prior to July 1, 1974, or to the  
 21 member's beneficiaries shall never be less than they would have received under this chapter  
 22 as in effect on June 30, 1974; provided, however, that the member shall have accrued the  
 23 amount of accumulated contributions required thereby prior to payment of an initial retirement  
 24 allowance.

25 (5) If the majority of a member's credited service is as an elected official or as an  
 26 appointed official, except as a member of the Idaho legislature, and that official was normally  
 27 in the administrative offices of the employer less than twenty (20) hours per week during  
 28 the term of office, or was normally not required to be present at any particular work station  
 29 for the employer twenty (20) hours per week or more during the term of office, ~~and that~~  
 30 ~~member's initial service retirement allowance for service credited only during that period would~~  
 31 ~~be computed under subsection (1)(b) and/or (2)(b) of this section, without consideration of any~~  
 32 ~~other credited service, then it will be so computed for that period of service. If that member~~  
 33 ~~has credited service from any other employment, the accrued service retirement allowance for~~  
 34 ~~the credited service from such other employment shall be computed from an average monthly~~  
 35 ~~salary for salary received during the period of such other employment shall be the sum of:~~

36 (a) That amount computed under subsection (1) and/or (2) of this section for only those  
 37 months of service as an elected or an appointed official that are in excess of the months of  
 38 other credited service, without consideration of any other credited service; and

39 (b) That accrued service retirement allowance that is computed from an average monthly  
 40 salary for salary received during the member's total months of credited service excluding  
 41 those excess months referenced in subsection (5)(a) of this section.

42 The initial service retirement allowance of members of the Idaho legislature will be computed  
 43 under subsection (1) and/or (2) of this section, on the basis of their total months of credited  
 44 service.

45 (6) In no case, however, will a member's initial service retirement benefit be equal to  
 46 more than the member's accrued benefit as of May 1, 1990, or one hundred percent (100%) of

1 the member's average compensation for the three (3) consecutive years of employment which  
 2 produce the greatest aggregate compensation, whichever is greater. If the benefit is calculated  
 3 to exceed one hundred percent (100%) of the member's average compensation, the member  
 4 shall be eligible for and may choose either:

5 (a) ~~a~~An annual service retirement allowance equal to the member's average annual  
 6 compensation for the three (3) consecutive years of employment which produced the  
 7 greatest aggregate compensation; or

8 (b) ~~a~~A separation benefit.

9 (7) The annual amount of initial service retirement allowance of a member who is over  
 10 age seventy (70) on the effective date of the member's retirement shall be a percentage of the  
 11 member's initial service retirement allowance. Such percentage shall be one hundred percent  
 12 (100%) increased as determined by the board to compensate for each month that the member's  
 13 retirement is deferred beyond age seventy (70).

14 (8) A member's accrued retirement allowance, as otherwise provided in subsections (1),  
 15 (2), (3), (4) and (5) of this section, shall not be less than the minimum accrued retirement  
 16 allowance provided in this subsection. The determination of the initial service retirement  
 17 allowance provided in subsections (1) and (2) of this section, and the application of the  
 18 provisions in subsections (6) and (7) of this section, will be made after the determination of the  
 19 minimum accrued retirement allowance provided in this subsection.

20 This subsection shall apply to members who have at least two (2) separate periods of  
 21 employment covered under this chapter where each separate period of employment would  
 22 otherwise be eligible for a separation benefit described in section 59-1359, Idaho Code. For  
 23 purposes of this subsection, if a separation of employment occurs that does not exceed sixty  
 24 (60) consecutive calendar months then the member's period of employment shall be considered  
 25 a continuous period of employment. For purposes of this subsection, date of last contribution is  
 26 the date of final contribution for each period or periods of employment.

27 For each separate period of employment considered under this subsection, the member  
 28 must not have received a separation benefit for that period, or if he has received such a  
 29 separation benefit under section 59-1359, Idaho Code, he must have completed reinstatement  
 30 of all previous credited service associated with all separation benefits for all periods of  
 31 employment as permitted under section 59-1360, Idaho Code.

32 The minimum accrued retirement allowance shall be equal to the largest accrued  
 33 retirement allowance calculated at each date of last contribution based upon the benefit and  
 34 eligibility provisions in effect as of the date of the last contribution made during such separate  
 35 period of employment. For purposes of determining the accrued retirement allowance for each  
 36 date of last contribution:

37 (a) ~~t~~The member must have at least sixty (60) months of credited service at the date of  
 38 last contribution;

39 (b) ~~t~~The member's months of credited service and average monthly salary are determined  
 40 based solely on all periods of employment up to that date of last contribution, ignoring  
 41 later periods of employment; and

42 (c) ~~t~~The accrued retirement allowance computed for each period is multiplied by the  
 43 bridging factor as provided in section 59-1355(3), Idaho Code, between the date of  
 44 the last contribution made during that separate period of employment and the date of  
 45 the member's final contribution made during the last period of employment prior to  
 46 retirement.

1 SECTION 2. That Section 59-1346, Idaho Code, be, and the same is hereby amended to  
2 read as follows:

3 59-1346. COMPUTATION OF EARLY RETIREMENT ALLOWANCES. (1) The  
4 annual amount of initial early retirement allowance of a member shall be a percentage of  
5 the member's accrued retirement allowance. Such percentage shall be one hundred percent  
6 (100%) if the sum of the number of years and months of credited service and the age in years  
7 and months is equal to or greater than the sum indicated below. Otherwise, such percentage  
8 shall be one hundred percent (100%) reduced by one-fourth of one percent (.25%) for each  
9 month up to sixty (60) months that the member's retirement precedes the date the member  
10 would be eligible to receive full accrued benefit without additional credited service, and  
11 further reduced by two-thirds of one percent (.6667%) for each additional month. Effective  
12 October 1, 1992, the further reduction for each additional month shall equal six thousand and  
13 forty-two ten-thousandths of one percent (.6042%) of the member's average monthly salary;  
14 effective October 1, 1993, the further reduction for each additional month shall equal five  
15 thousand four hundred and seventeen ten-thousandths of one percent (.5417%) of the member's  
16 average monthly salary; and effective October 1, 1994, the further reduction for each additional  
17 month shall equal four thousand seven hundred and ninety-two ten-thousandths of one percent  
18 (.4792%) of the member's average monthly salary. Entitlement to an annual amount of accrued  
19 retirement allowance shall not vest until the effective date of that annual amount of accrued  
20 retirement allowance. The retirement benefits shall be calculated on the amounts, terms and  
21 conditions in effect at the date of the final contribution by the member.

22	If a member's service retirement ratio as	Then the sum of the member's credited service
23	defined by section 59-1341, Idaho Code, is:	and age must be equal to or greater than:
24	0.000 to 0.050	90
25	0.051 to 0.150	89
26	0.151 to 0.250	88
27	0.251 to 0.350	87
28	0.351 to 0.450	86
29	0.451 to 0.550	85
30	0.551 to 0.650	84
31	0.651 to 0.750	83
32	0.751 to 0.850	82
33	0.851 to 0.950	81
34	0.951 to 1.000	80-

35 (2) If the majority of a member's credited service is as an elected official or as an  
36 appointed official, except as a member of the Idaho legislature, and that official was normally  
37 in the administrative offices of the employer less than twenty (20) hours per week during the  
38 term of office, or was normally not required to be present at any particular work station for the  
39 employer twenty (20) hours per week or more during the term of office, that member's accrued  
40 retirement allowance ~~for service credited only during that period~~ shall be the sum of:

41 (a) That amount computed from an average monthly salary for salary received during  
42 that period of such employment only for those months of service as an elected or as

1 an appointed official that are in excess of the months of other credited service without  
2 consideration of any other credited service; and

3 (b) That accrued retirement allowance that is computed from an average monthly salary  
4 for salary received during the member's total months of credited service excluding those  
5 excess months referenced in subsection (2)(a) of this section.

6 The initial service retirement allowance of members of the Idaho legislature will be computed  
7 under the provisions of this section, on the basis of their total months of credited service.

8 ~~(3) If that member has credited service from any other employment, the accrued~~  
9 ~~retirement allowance for the credited service from such other employment shall be computed~~  
10 ~~from an average monthly salary for salary received during the period of such other~~  
11 ~~employment.~~