

Senate Engrossed House Bill

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

CHAPTER 242

**HOUSE BILL 2116**

AN ACT

AMENDING SECTION 38-902, ARIZONA REVISED STATUTES; RELATING TO THE  
CORRECTIONS OFFICER RETIREMENT PLAN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 38-902, Arizona Revised Statutes, is amended to  
3 read:

4 38-902. Joinder agreement

5 A. County detention officers and nonuniformed employees of a sheriff's  
6 department whose primary duties require direct contact with inmates may  
7 participate in this plan if the board of supervisors of the county enters  
8 into a joinder agreement with the fund manager to bring such employees into  
9 this plan. The joinder agreement shall be in accordance with the provisions  
10 of this plan. All such employees shall be designated for membership in the  
11 joinder agreement unless written consent to the contrary is obtained from the  
12 fund manager.

13 B. City or town detention officers may participate in this plan if the  
14 governing body of the city or town enters into a joinder agreement with the  
15 fund manager to bring its detention officers into this plan. The joinder  
16 agreement shall be in accordance with the provisions of the plan. The  
17 governing body of the city or town shall designate all detention officers for  
18 membership in the plan unless written consent to the contrary is obtained  
19 from the fund manager.

20 C. Full-time dispatchers may participate in this plan if the governing  
21 body or agency of the employer of an eligible group as defined in  
22 section 38-842 enters into a joinder agreement with the fund manager to bring  
23 its full-time dispatchers into this plan. The joinder agreement shall be in  
24 accordance with the provisions of this plan AND FOR THOSE DISPATCHERS  
25 DESIGNATED FOR MEMBERSHIP IN THE PLAN ON THE JOINDER DATE ALL CREDITED  
26 SERVICE FROM ANY OTHER ARIZONA DEFINED BENEFIT STATE RETIREMENT SYSTEM OR  
27 PLAN THAT REPRESENTS CREDITED SERVICE IN A DESIGNATED POSITION SHALL BE  
28 TRANSFERRED TO THE CORRECTIONS OFFICER RETIREMENT PLAN. The governing body  
29 or agency of the employer shall designate all full-time dispatchers for  
30 membership in the plan except for a full-time dispatcher who signs an  
31 irrevocable agreement before the joinder agreement becomes effective electing  
32 not to become a member of the plan. A full-time dispatcher employed by an  
33 employer who becomes eligible for membership in the plan pursuant to this  
34 section may elect to participate in the plan within the deadlines and  
35 pursuant to the terms prescribed for such participation by the fund manager.

36 D. Probation, surveillance and juvenile detention officers may  
37 participate in this plan if the administrative office of the courts enters  
38 into a joinder agreement with the fund manager to bring its probation,  
39 surveillance and juvenile detention officers into this plan. The joinder  
40 agreement shall be in accordance with the provisions of this plan. The  
41 administrative office of the courts shall designate all probation,  
42 surveillance and juvenile detention officers for membership in this plan  
43 unless written consent to the contrary is obtained from the fund manager.

1 E. The new employer shall designate the groups of employees who are  
2 eligible to participate in the plan and shall agree to make contributions  
3 each year that are sufficient to meet both the normal cost of a level cost  
4 method attributable to inclusion of its employees and the prescribed interest  
5 on the past service cost for its employees.

6 F. Before the execution of any joinder agreement each employer  
7 contemplating participation in the plan shall have an actuarial valuation  
8 made, which is payable by the employer, to determine the estimated cost of  
9 participation in accordance with section 38-894.

10 G. Assets under any existing public employee defined benefit  
11 retirement program, except a military retirement program, that are necessary  
12 to equal the actuarial present value of projected benefits to the extent  
13 funded on a market value basis as of the most recent actuarial valuation  
14 attributable to the employer's designated employee group, calculated using  
15 the actuarial methods and assumptions adopted by the existing public employee  
16 retirement program, shall be transferred from the program to this fund no  
17 later than ~~sixty~~ NINETY days after the employer's effective date. That  
18 portion of the transferred assets that is attributable to employee  
19 contributions, including interest credits, shall be properly allocated to  
20 each affected employee of the employer and credited to the employee's initial  
21 accumulated contributions in accordance with a schedule furnished by the  
22 employer to the fund manager.

APPROVED BY THE GOVERNOR MAY 27, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 27, 2008.