



# State of Tennessee

## PUBLIC CHAPTER NO. 544

HOUSE BILL NO. 2588

By Representative Russell

Substituted for: Senate Bill No. 1995

By Senator Walley

AN ACT to amend Tennessee Code Annotated, Section 8-35-226, relative to retirement.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-35-226, is amended by adding the following new, appropriately designed subsection:

(f) Notwithstanding another law to the contrary, a member who has been elected or appointed to or has assumed a position covered under this section on or after January 1, 2012, and simultaneously holds that position and another position with a different employer as a retirement system member, may continue service in the elected or appointed board member position while receiving a retirement allowance, if otherwise eligible therefore, based on the member's salary and service credit in a position other than a position covered under this section; provided, that the following conditions are met:

(1) The member's retirement benefits are based on service and salary rendered in a position other than a position covered by this section;

(2) The member is not drawing disability retirement benefits under chapter 36, part 5 of this title;

(3) The member will continue to accrue salary and service credit while serving in a position covered under this section until the member's retirement from that position. Upon the retirement system's receipt of a request from the member, the member will receive a second retirement allowance based on the member's salary and service credit accrued in a position covered under this section; provided, that the member has separated from the position and is otherwise eligible for the retirement allowance. The retirement payment plan and beneficiary selected by the member on the retirement application from the other employment position must be the same for the second retirement allowance and must not be changed or revoked, except as provided in chapter 36, part 6 of this title;

(4) The member must not return to work temporarily in a position covered by the retirement system pursuant to chapter 36, part 8 of this title until the member retires from all positions covered by the retirement system; and

(5) Consistent with §§ 8-36-203 and 8-36-303, benefits paid under this subsection (f) that are based on service in a position other than a position covered under this section must be paid from the member's effective date of retirement, which may include retroactive payments.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

HOUSE BILL NO. 2588

PASSED: February 26, 2024



CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES



RANDY MCNALLY  
SPEAKER OF THE SENATE

APPROVED this 7<sup>th</sup> day of March 2024



BILL LEE, GOVERNOR