

RETIREMENT OF PUBLIC SAFETY

OFFICIALS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Ron Bigelow

This act modifies the Utah State Retirement Act to allow an elected sheriff or an appointed chief of police to retire within the Public Safety Retirement System and to continue in the office with a retirement exclusion. This act takes effect on July 1, 2001.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

49-4-205, as last amended by Chapter 224, Laws of Utah 1991

49-4a-206, as last amended by Chapter 305, Laws of Utah 1999

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **49-4-205** is amended to read:

49-4-205. Exclusion of certain employees from coverage -- Exception.

(1) (a) A public employee serving as the commissioner of public safety, or as the elected or appointed sheriff or chief of police of a public safety organization, is excluded from coverage under this system if that public employee files a formal written request seeking exclusion from coverage[~~-but~~].

(b) Except as provided in Subsection (1)(c), the public employee [~~cannot~~] may not continue employment in the same covered employer unit and receive payment from the retirement office at the same time.

(c) An elected sheriff or an appointed chief of police who is eligible to retire under Section 49-4-401 may:

(i) retire from the system and receive a retirement payment;

(ii) continue in the elected or appointed office; and

(iii) file for the exclusion under Subsection (1)(a).

28 (2) Any member of the system or any newly hired employee who is eligible for coverage
29 and who is drawing a military pension may, by application to the retirement administrator, be
30 exempted from participating in the system.

31 Section 2. Section **49-4a-206** is amended to read:

32 **49-4a-206. Exclusion of certain employees from coverage -- Exception.**

33 (1) (a) A public employee serving as the commissioner of public safety, or as the elected
34 or appointed sheriff or chief of police of a public safety organization, is excluded from coverage
35 under this system if that public employee files a formal written request seeking exclusion from
36 coverage.

37 (b) Except as provided in Subsection (1)(c), the public employee may not continue
38 employment in the same covered employer unit and receive payment from the retirement office
39 at the same time.

40 (c) An elected sheriff or an appointed chief of police who is eligible to retire under Section
41 49-4a-401 may:

- 42 (i) retire from the system and receive a retirement payment;
- 43 (ii) continue in the elected or appointed office; and
- 44 (iii) file for the exclusion under Subsection (1)(a).

45 (2) Any member of the system or any newly hired employee who is eligible for coverage
46 and who is drawing a military pension may, by application to the retirement administrator, be
47 exempted from participating in the system.

48 Section 3. **Effective date.**

49 This act takes effect on July 1, 2001.

Legislative Review Note
as of 12-18-00 12:36 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel