

PUBLIC SAFETY RETIREMENT EXCEPTION

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Beverly Ann Evans

This act modifies the Utah State Retirement Act to allow an elected sheriff to retire within the Public Safety Retirement System and to continue in the office with a retirement exclusion. This act has an immediate effective date.

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

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 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 office; and

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

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

Section 2. **Effective date.**

If approved by two-thirds of all the members elected to each house, this act takes effect

upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.