

RETIREMENT OF PUBLIC SAFETY

OFFICIALS

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Ron Bigelow

This act modifies the Utah State Retirement Act by opening a conversion window for the Public Safety Noncontributory Retirement System for chiefs of police. This act allows 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, 2002.

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

AMENDS:

49-4a-205, as last amended by Chapter 268, Laws of Utah 1998

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 **49-4a-205** is amended to read:

49-4a-205. Conversion to system -- Time schedule.

The following laws govern conversion to the Public Safety Noncontributory Retirement System:

(1) For persons governed by Subsection 49-4a-203(2), the election to participate in the noncontributory system shall be made within six months of the effective date of this chapter.

(2) (a) For political subdivisions governed by Subsection 49-4a-203(3), the election to participate as a local government unit shall be made within six months of the effective date of this chapter. The political subdivision shall indicate whether or not it elects to participate by enacting a resolution or ordinance to that effect. Prior to the enactment of the resolution or ordinance, a hearing shall be held by the political subdivision, at which all public safety employees of the political subdivision shall be given an opportunity to be heard on the question of participating in this noncontributory retirement system. Notice of the hearing shall be mailed to all employees within 30 days of the hearing and shall contain the time, place, and purpose of the hearing.

(b) A person in full-time employment with a political subdivision prior to its election to

participate has six months from the date the political subdivision elects to participate in which to elect to become a member of the noncontributory system.

(3) Subsections (1) and (2) shall be used to provide a time period of conversion to the Public Safety Noncontributory Retirement System beginning July 1, 1998, and ending December 31, 1998. A person converting to the system during this time period shall be subject to all the rights, limitations, terms, and conditions of Title 49, Chapter 4a, Public Safety Noncontributory Retirement Act.

(4) Subsections (1) and (2) shall be used to provide a time period for an appointed chief of police to convert to the Public Safety Noncontributory Retirement System beginning July 1, 2002, and ending December 31, 2002. A chief of police converting to the system during this time period shall be subject to all the rights, limitations, terms, and conditions of Title 49, Chapter 15, Public Safety Noncontributory Retirement Act, including an employer's election under Subsection (2).

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

49-4a-206. 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.

(b) Except as provided in Subsection (1)(c), the public employee 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 49-4a-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).

(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 3. **Effective date.**

This act takes effect on July 1, 2002.