

1 **RETIREMENT OF PUBLIC SAFETY**

2 **OFFICIALS**

3 2002 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Ron Bigelow**

6 **This act modifies the Utah State Retirement Act by opening a conversion window for the**
7 **Public Safety Noncontributory Retirement System. This act allows an appointed chief of**
8 **police to retire within the Public Safety Retirement System and to continue in the office with**
9 **a retirement exclusion. This act takes effect on July 1, 2002.**

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

11 AMENDS:

12 **49-4a-205**, as last amended by Chapter 268, Laws of Utah 1998

13 **49-4a-206**, as last amended by Chapter 305, Laws of Utah 1999

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

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

16 **49-4a-205. Conversion to system -- Time schedule.**

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

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

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



28 within 30 days of the hearing and shall contain the time, place, and purpose of the hearing.

29 (b) A person in full-time employment with a political subdivision prior to its election to
30 participate has six months from the date the political subdivision elects to participate in which to
31 elect to become a member of the noncontributory system.

32 (3) Subsections (1) and (2) shall be used to provide a time period of conversion to the
33 Public Safety Noncontributory Retirement System beginning July 1, 1998, and ending December
34 31, 1998. A person converting to the system during this time period shall be subject to all the
35 rights, limitations, terms, and conditions of Title 49, Chapter 4a, Public Safety Noncontributory
36 Retirement Act.

37 (4) Subsections (1) and (2) shall be used to provide a time period of conversion to the
38 Public Safety Noncontributory Retirement System beginning July 1, 2002, and ending December
39 31, 2002. A person converting to the system during this time period shall be subject to all the
40 rights, limitations, terms, and conditions of Title 49, Chapter 4a, Public Safety Noncontributory
41 Retirement Act.

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

43 **49-4a-206. Exclusion of certain employees from coverage -- Exception.**

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

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

51 (c) An elected sheriff or an appointed chief of police who is eligible to retire under Section
52 49-4a-401 may:

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

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

59 Section 3. **Effective date.**
60 This act takes effect on July 1, 2002.

Legislative Review Note
as of 1-7-02 8:56 AM

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

Office of Legislative Research and General Counsel