

**PUBLIC SAFETY RETIREMENT -
EXEMPTION OF CERTAIN EMPLOYEES**

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: David Clark

LONG TITLE

General Description:

This bill modifies the Utah State Retirement and Insurance Benefit Act by amending Public Safety Retirement Systems coverage exemptions.

Highlighted Provisions:

This bill:

- ▶ allows an eligible Commissioner of Public Safety to retire from the Public Safety Contributory Retirement System or the Public Safety Noncontributory Retirement System, receive a retirement allowance, and continue in the appointed position; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 49-14-203**, as renumbered and amended by Chapter 250, Laws of Utah 2002
- 49-15-203**, as last amended by Chapter 247 and renumbered and amended by Chapter 250, Laws of Utah 2002

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



28 Section 1. Section **49-14-203** is amended to read:

29 **49-14-203. Exemption of certain employees from coverage.**

30 (1) A public safety service employee serving as the Commissioner of Public Safety, or
31 as the elected or appointed sheriff or chief of police of a public safety organization, is excluded
32 from coverage under this system if that public safety service employee files a formal written
33 request seeking exemption.

34 (2) Except as provided in Subsection (3), the public safety service employee may not
35 continue employment with the same participating employer and receive an allowance from the
36 office based on public safety service at the same time.

37 (3) [~~Am~~] The Commissioner of Public Safety or an elected sheriff who is eligible to
38 retire under Section 49-14-401 may:

- 39 (a) retire from this system and receive an allowance;
- 40 (b) continue in the elected position; and
- 41 (c) file for the exemption under Subsection (1).

42 Section 2. Section **49-15-203** is amended to read:

43 **49-15-203. Exemption of certain employees from coverage.**

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

48 (2) Except as provided in Subsection (3), the public safety service employee may not
49 continue employment with the same participating employer and receive an allowance from the
50 office based on public safety service at the same time.

51 (3) [~~Am~~] The Commissioner of Public Safety, an elected sheriff, or an appointed chief
52 of police who is eligible to retire under Section 49-15-401 may:

- 53 (a) retire from this system and receive an allowance;
- 54 (b) continue in the elected or appointed position; and
- 55 (c) file for the exemption under Subsection (1).

Legislative Review Note
as of 12-8-04 2:49 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0217

Public Safety Retirement-Exemption of Certain Employees

20-Jan-05

1:40 PM

State Impact

This bill should have no fiscal impact on the Utah State Retirement System.

Individual and Business Impact

A person who serves as the Commissioner of Public Safety would be eligible to take advantage of post-retirement employment with the same employer.

Office of the Legislative Fiscal Analyst