

1                                   **PUBLIC SAFETY RETIREMENT EXCEPTIONS**

2   1999 GENERAL SESSION

3   STATE OF UTAH

4   **Sponsor: Blake D. Chard**

5 AN ACT RELATING TO RETIREMENT; MODIFYING PUBLIC SAFETY RETIREMENT  
6 EXCLUSION PROVISIONS FOR ELECTED SHERIFFS; AND PROVIDING AND EFFECTIVE  
7 DATE.

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

9 AMENDS:

10           **49-4a-206**, as last amended by Chapter 224, Laws of Utah 1991

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

12           Section 1. Section **49-4a-206** is amended to read:

13           **49-4a-206. Exclusion of certain employees from coverage -- Exception.**

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

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

21           (c) An elected sheriff who is eligible to retire under Section 49-4a-401 may:

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

23           (ii) continue in the elected office; and

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

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

28           Section 2. **Effective date.**  
29           If approved by two-thirds of all the members elected to each house, this act takes effect  
30 upon approval by the governor, or the day following the constitutional time limit of Utah  
31 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the  
32 date of veto override.

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**Legislative Review Note**  
**as of 2-1-99 2:13 PM**

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

**Office of Legislative Research and General Counsel**