

LINE-OF-DUTY DEATH AND DISABILITY AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill modifies the Utah State Retirement and Insurance Benefit Act by amending provisions relating to line-of-duty death and disability benefits.

Highlighted Provisions:

This bill:

- ▶ provides that a line-of-duty death for a public safety service or firefighter service employee includes a death that results from strenuous activity, including a heart attack or stroke, that occurs during training or another activity required by an act of duty as a public safety service or firefighter service employee;
- ▶ clarifies that a line-of-duty death for a public safety service or firefighter service employee does not include certain deaths;
- ▶ provides that a line-of-duty disability for a firefighter service employee includes a physical or mental disability that results from strenuous activity, including a heart attack or stroke, that occurs during training or another activity required by an act of duty as a firefighter service employee;
- ▶ clarifies that a line-of-duty disability for a firefighter service employee does not include certain physical or mental disabilities; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

49-14-102, as last amended by Laws of Utah 2011, Chapter 200

49-15-102, as last amended by Laws of Utah 2011, Chapter 200

49-16-102, as last amended by Laws of Utah 2005, Chapter 116

33 **49-16-601.5**, as enacted by Laws of Utah 2005, Chapter 116
34 **49-20-406**, as last amended by Laws of Utah 2003, Chapters 142 and 240
35 **49-23-102**, as last amended by Laws of Utah 2011, Chapter 200
36 **49-23-503**, as enacted by Laws of Utah 2010, Chapter 266

37

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

39 Section 1. Section **49-14-102** is amended to read:

40 **49-14-102. Definitions.**

41 As used in this chapter:

42 (1) (a) "Compensation" means the total amount of payments that are includable in
43 gross income which are received by a public safety service employee as base income for the
44 regularly scheduled work period. The participating employer shall establish the regularly
45 scheduled work period. Base income shall be determined prior to the deduction of member
46 contributions or any amounts the public safety service employee authorizes to be deducted for
47 salary deferral or other benefits authorized by federal law.

48 (b) "Compensation" includes performance-based bonuses and cost-of-living
49 adjustments.

50 (c) "Compensation" does not include:

51 (i) overtime;

52 (ii) sick pay incentives;

53 (iii) retirement pay incentives;

54 (iv) the monetary value of remuneration paid in kind, including a residence, use of
55 equipment or uniform, travel, or similar payments;

56 (v) a lump-sum payment or special payments covering accumulated leave; and

57 (vi) all contributions made by a participating employer under this system or under any
58 other employee benefit system or plan maintained by a participating employer for the benefit of
59 a member or participant.

60 (d) "Compensation" for purposes of this chapter may not exceed the amount allowed
61 under Internal Revenue Code Section 401(a)(17).

62 (2) "Final average salary" means the amount computed by averaging the highest three
63 years of annual compensation preceding retirement, subject to Subsections (2)(a) and (b).

64 (a) Except as provided in Subsection (2)(b), the percentage increase in annual
65 compensation in any one of the years used may not exceed the previous year's compensation by
66 more than 10% plus a cost-of-living adjustment equal to the decrease in the purchasing power
67 of the dollar during the previous year, as measured by a United States Bureau of Labor
68 Statistics Consumer Price Index average as determined by the board.

69 (b) In cases where the participating employer provides acceptable documentation to the
70 office, the limitation in Subsection (2)(a) may be exceeded if:

71 (i) the public safety service employee has transferred from another agency; or

72 (ii) the public safety service employee has been promoted to a new position.

73 (3) (a) "Line-of-duty death" means a death resulting from:

74 (i) external force, violence, or disease occasioned by an act of duty as a public safety
75 service employee[-]; or

76 (ii) strenuous activity, including a heart attack or stroke, that occurs during strenuous
77 training or another strenuous activity required as an act of duty as a public safety service
78 employee.

79 (b) "Line-of-duty death" does not include a death that:

80 (i) occurs during an activity that is required as an act of duty as a public safety service
81 employee if the activity is not strenuous, including an activity that is clerical, administrative, or
82 of a non-manual nature;

83 (ii) occurs during the commission of a crime committed by the employee;

84 (iii) the employee's intoxication or use of alcohol or drugs, whether prescribed or
85 non-prescribed contributes to the employee's death; or

86 (iv) occurs in manner other than as described in Subsection (3)(a).

87 (4) "Participating employer" means an employer which meets the participation
88 requirements of Section 49-14-201.

89 (5) (a) "Public safety service" means employment normally requiring an average of
90 2,080 hours of regularly scheduled employment per year rendered by a member who is a:

91 (i) law enforcement officer in accordance with Section 53-13-103;

92 (ii) correctional officer in accordance with Section 53-13-104;

93 (iii) special function officer approved in accordance with Sections 49-14-201 and
94 53-13-105; and

95 (iv) full-time member of the Board of Pardons and Parole created under Section
96 77-27-2.

97 (b) Except as provided under Subsection (5)(a)(iv), "public safety service" also requires
98 that in the course of employment the employee's life or personal safety is at risk.

99 (c) Except for the minimum hour requirement, Subsections (5)(a) and (b) do not apply
100 to any person who was eligible for service credit in this system before January 1, 1984.

101 (6) "Public safety service employee" means an employee of a participating employer
102 who performs public safety service under this chapter.

103 (7) "System" means the Public Safety Contributory Retirement System created under
104 this chapter.

105 (8) "Years of service credit" means the number of periods, each to consist of 12 full
106 months as determined by the board, whether consecutive or not, during which a public safety
107 service employee was employed by a participating employer, including time the public safety
108 service employee was absent in the service of the United States government on military duty.

109 Section 2. Section **49-15-102** is amended to read:

110 **49-15-102. Definitions.**

111 As used in this chapter:

112 (1) (a) "Compensation" means the total amount of payments that are includable in
113 gross income received by a public safety service employee as base income for the regularly
114 scheduled work period. The participating employer shall establish the regularly scheduled
115 work period. Base income shall be determined prior to the deduction of any amounts the
116 public safety service employee authorizes to be deducted for salary deferral or other benefits
117 authorized by federal law.

118 (b) "Compensation" includes performance-based bonuses and cost-of-living
119 adjustments.

120 (c) "Compensation" does not include:

121 (i) overtime;

122 (ii) sick pay incentives;

123 (iii) retirement pay incentives;

124 (iv) the monetary value of remuneration paid in kind, as in a residence, use of
125 equipment or uniform, travel, or similar payments;

126 (v) a lump-sum payment or special payment covering accumulated leave; and
127 (vi) all contributions made by a participating employer under this system or under any
128 other employee benefit system or plan maintained by a participating employer for the benefit of
129 a member or participant.

130 (d) "Compensation" for purposes of this chapter may not exceed the amount allowed
131 under Internal Revenue Code Section 401(a)(17).

132 (2) "Final average salary" means the amount computed by averaging the highest three
133 years of annual compensation preceding retirement subject to Subsections (2)(a) and (b).

134 (a) Except as provided in Subsection (2)(b), the percentage increase in annual
135 compensation in any one of the years used may not exceed the previous year's compensation by
136 more than 10% plus a cost-of-living adjustment equal to the decrease in the purchasing power
137 of the dollar during the previous year, as measured by a United States Bureau of Labor
138 Statistics Consumer Price Index average as determined by the board.

139 (b) In cases where the participating employer provides acceptable documentation to the
140 office, the limitation in Subsection (2)(a) may be exceeded if:

141 (i) the public safety service employee has transferred from another agency; or
142 (ii) the public safety service employee has been promoted to a new position.

143 (3) (a) "Line-of-duty death" means a death resulting from:

144 (i) external force, violence, or disease occasioned by an act of duty as a public safety
145 service employee[-]; or

146 (ii) strenuous activity, including a heart attack or stroke, that occurs during strenuous
147 training or another strenuous activity required as an act of duty as a public safety service
148 employee.

149 (b) "Line-of-duty death" does not include a death that:

150 (i) occurs during an activity that is required as an act of duty as a public safety service
151 employee if the activity is not strenuous, including an activity that is clerical, administrative, or
152 of a non-manual nature;

153 (ii) occurs during the commission of a crime committed by the employee;

154 (iii) the employee's intoxication or use of alcohol or drugs, whether prescribed or
155 non-prescribed contributes to the employee's death; or

156 (iv) occurs in manner other than as described in Subsection (3)(a).

157 (4) "Participating employer" means an employer which meets the participation
158 requirements of Section 49-15-201.

159 (5) (a) "Public safety service" means employment normally requiring an average of
160 2,080 hours of regularly scheduled employment per year rendered by a member who is a:

161 (i) law enforcement officer in accordance with Section 53-13-103;

162 (ii) correctional officer in accordance with Section 53-13-104;

163 (iii) special function officer approved in accordance with Sections 49-15-201 and
164 53-13-105; and

165 (iv) full-time member of the Board of Pardons and Parole created under Section
166 77-27-2.

167 (b) Except as provided under Subsection (5)(a)(iv), "public safety service" also requires
168 that in the course of employment the employee's life or personal safety is at risk.

169 (6) "Public safety service employee" means an employee of a participating employer
170 who performs public safety service under this chapter.

171 (7) "System" means the Public Safety Noncontributory Retirement System created
172 under this chapter.

173 (8) "Years of service credit" means the number of periods, each to consist of 12 full
174 months as determined by the board, whether consecutive or not, during which a public safety
175 service employee was employed by a participating employer, including time the public safety
176 service employee was absent in the service of the United States government on military duty.

177 Section 3. Section **49-16-102** is amended to read:

178 **49-16-102. Definitions.**

179 As used in this chapter:

180 (1) (a) "Compensation" means the total amount of payments that are includable as
181 gross income which are received by a firefighter service employee as base income for the
182 regularly scheduled work period. The participating employer shall establish the regularly
183 scheduled work period. Base income shall be determined prior to the deduction of member
184 contributions or any amounts the firefighter service employee authorizes to be deducted for
185 salary deferral or other benefits authorized by federal law.

186 (b) "Compensation" includes performance-based bonuses and cost-of-living
187 adjustments.

- 188 (c) "Compensation" does not include:
- 189 (i) overtime;
- 190 (ii) sick pay incentives;
- 191 (iii) retirement pay incentives;
- 192 (iv) remuneration paid in kind such as a residence, use of equipment, uniforms, travel,
- 193 or similar payments;
- 194 (v) a lump-sum payment or special payments covering accumulated leave; and
- 195 (vi) all contributions made by a participating employer under this system or under any
- 196 other employee benefit system or plan maintained by a participating employer for the benefit of
- 197 a member or participant.
- 198 (d) "Compensation" for purposes of this chapter may not exceed the amount allowed
- 199 under Internal Revenue Code Section 401(a)(17).
- 200 (2) (a) "Disability" means a physical or mental condition that, in the judgment of the
- 201 office, is total and presumably permanent, and prevents a member from performing firefighter
- 202 service.
- 203 (b) The determination of disability is based upon medical and other evidence
- 204 satisfactory to the office.
- 205 (3) "Final average salary" means the amount computed by averaging the highest three
- 206 years of annual compensation preceding retirement subject to Subsections (3)(a) and (b).
- 207 (a) Except as provided in Subsection (3)(b), the percentage increase in annual
- 208 compensation in any one of the years used may not exceed the previous year's compensation by
- 209 more than 10% plus a cost-of-living adjustment equal to the decrease in the purchasing power
- 210 of the dollar during the previous year, as measured by a United States Bureau of Labor
- 211 Statistics Consumer Price Index average as determined by the board.
- 212 (b) In cases where the participating employer provides acceptable documentation to the
- 213 office the limitation in Subsection (3)(a) may be exceeded if:
- 214 (i) the member has transferred from another agency; or
- 215 (ii) the member has been promoted to a new position.
- 216 (4) "Firefighter service" means employment normally requiring an average of 2,080
- 217 hours of regularly scheduled employment per year rendered by a member who is a firefighter
- 218 service employee trained in firefighter techniques and assigned to a position of hazardous duty

219 with a regularly constituted fire department, but does not include secretarial staff or other
220 similar employees.

221 (5) "Firefighter service employee" means an employee of a participating employer who
222 provides firefighter service under this chapter. An employee of a regularly constituted fire
223 department who does not perform firefighter service is not a firefighter service employee.

224 (6) (a) "Line-of-duty death or disability" means a death or any physical or mental
225 disability resulting from:

226 (i) external force, violence, or disease directly resulting from firefighter service[-]; or

227 [~~(a) A paid firefighter who has five years of firefighter service credit is eligible for a
228 line-of-duty death or disability resulting from heart disease, lung disease, or respiratory tract
229 condition.~~]

230 [~~(b) A paid firefighter who receives a service connected disability benefit for more than
231 six months due to violence or illness other than heart disease, lung disease, or respiratory tract
232 condition, and then returns to paid firefighter service, may not be eligible for a line-of-duty
233 death or disability benefit due to heart disease, lung disease, or respiratory tract condition for
234 two years after the firefighter returned to work unless clear and convincing evidence is
235 presented that the heart disease, lung disease, or respiratory tract condition was directly a result
236 of firefighter service.~~]

237 (ii) strenuous activity, including a heart attack or stroke, that occurs during strenuous
238 training or another strenuous activity required as an act of duty as a firefighter service
239 employee.

240 (b) "Line-of-duty death or disability" does not include a death or any physical or mental
241 disability that:

242 (i) occurs during an activity that is required as an act of duty as a firefighter service
243 employee if the activity is not strenuous, including an activity that is clerical, administrative, or
244 of a non-manual nature;

245 (ii) occurs during the commission of a crime committed by the employee;

246 (iii) the employee's intoxication or use of alcohol or drugs, whether prescribed or
247 non-prescribed contributes to the employee's death; or

248 (iv) occurs in manner other than as described in Subsection (6)(a).

249 (c) "Line of duty death or disability" includes a death of a paid firefighter resulting

250 from heart disease, lung disease, or a respiratory tract condition if the paid firefighter has five
251 years of firefighter service credit.

252 (7) "Participating employer" means an employer which meets the participation
253 requirements of Section 49-16-201.

254 (8) "Regularly constituted fire department" means a fire department that employs a fire
255 chief who performs firefighter service for at least 2,080 hours of regularly scheduled paid
256 employment per year.

257 (9) "System" means the Firefighters' Retirement System created under this chapter.

258 (10) (a) "Volunteer firefighter" means any individual that is not regularly employed as
259 a firefighter service employee, but who:

260 (i) has been trained in firefighter techniques and skills;

261 (ii) continues to receive regular firefighter training; and

262 (iii) is on the rolls of a legally organized volunteer fire department which provides
263 ongoing training and serves a political subdivision of the state.

264 (b) An individual that volunteers assistance but does not meet the requirements of
265 Subsection (10)(a) is not a volunteer firefighter for purposes of this chapter.

266 (11) "Years of service credit" means the number of periods, each to consist of 12 full
267 months as determined by the board, whether consecutive or not, during which a firefighter
268 service employee was employed by a participating employer or received full-time pay while on
269 sick leave, including any time the firefighter service employee was absent in the service of the
270 United States on military duty.

271 Section 4. Section **49-16-601.5** is amended to read:

272 **49-16-601.5. Line-of-duty disability benefit -- Benefits -- Monthly allowance.**

273 (1) An active member of this system who is unable to perform firefighter service due to
274 a physical or mental condition incurred in the line-of-duty may apply to the office for a
275 disability retirement benefit under this section.

276 (2) If the condition is classified by the office as a line-of-duty disability, the member
277 shall be granted a disability retirement benefit subject to Section 49-16-602.

278 (3) A paid firefighter who has five years of firefighter service credit is eligible for a
279 line-of-duty disability benefit resulting from heart disease, lung disease, or a respiratory tract
280 condition.

281 (4) A paid firefighter who receives a service connected disability benefit for more than
282 six months due to violence or illness other than heart disease, lung disease, or respiratory tract
283 condition, and then returns to paid firefighter service, may not be eligible for a line-of-duty
284 disability benefit due to heart disease, lung disease, or respiratory tract condition for two years
285 after the firefighter returned to work unless clear and convincing evidence is presented that the
286 heart disease, lung disease, or respiratory tract condition was directly a result of firefighter
287 service.

288 [~~3~~] (5) The monthly disability retirement benefit is 50% of the member's final average
289 salary.

290 Section 5. Section **49-20-406** is amended to read:

291 **49-20-406. Insurance benefits for employees' beneficiaries.**

292 (1) As used in this section:

293 (a) "Children" includes stepchildren and legally adopted children.

294 (b) (i) "Line-of-duty death" means a death resulting from:

295 (A) external force or violence occasioned by an act of duty as an employee[-]; or

296 (B) strenuous activity, including a heart attack or stroke, that occurs during strenuous
297 training or another strenuous activity required as an act of duty as an employee.

298 (ii) "Line-of-duty death" does not include a death that:

299 (A) occurs during an activity that is required as an act of duty as an employee if the
300 activity is not strenuous, including an activity that is clerical, administrative, or of a
301 non-manual nature contributes to the employee's death;

302 (B) occurs during the commission of a crime committed by the employee;

303 (C) the employee's intoxication or use of alcohol or drugs, whether prescribed or
304 non-prescribed contributes to the employee's death; or

305 (D) occurs in manner other than as described in Subsection (1)(b)(i).

306 (2) The beneficiary of a covered individual who is employed by the state and who has a
307 line-of-duty death shall receive:

308 (a) the proceeds of a \$50,000 group term life insurance policy paid for by the state and
309 administered and provided as part of the group life insurance program under this chapter; and

310 (b) group health coverage paid for by the state that covers the covered individual's:

311 (i) surviving spouse until remarriage or becoming eligible for Medicare, whichever

312 comes first; and

313 (ii) unmarried children up to the age of 26.

314 (3) A covered employer not required to provide the benefits under Subsection (2) may
315 provide either or both of the benefits under Subsection (2) by paying rates established by the
316 program.

317 (4) The benefit provided under Subsection (2)(a) is subject to the same terms and
318 conditions as the group life insurance program provided under this chapter.

319 Section 6. Section **49-23-102** is amended to read:

320 **49-23-102. Definitions.**

321 As used in this chapter:

322 (1) (a) "Compensation" means the total amount of payments that are includable in
323 gross income received by a public safety service employee or a firefighter service employee as
324 base income for the regularly scheduled work period. The participating employer shall
325 establish the regularly scheduled work period. Base income shall be determined prior to the
326 deduction of any amounts the public safety service employee or firefighter service employee
327 authorizes to be deducted for salary deferral or other benefits authorized by federal law.

328 (b) "Compensation" includes performance-based bonuses and cost-of-living
329 adjustments.

330 (c) "Compensation" does not include:

331 (i) overtime;

332 (ii) sick pay incentives;

333 (iii) retirement pay incentives;

334 (iv) the monetary value of remuneration paid in kind, as in a residence, use of
335 equipment or uniform, travel, or similar payments;

336 (v) a lump-sum payment or special payment covering accumulated leave; and

337 (vi) all contributions made by a participating employer under this system or under any
338 other employee benefit system or plan maintained by a participating employer for the benefit of
339 a member or participant.

340 (d) "Compensation" for purposes of this chapter may not exceed the amount allowed
341 under Internal Revenue Code Section 401(a)(17).

342 (2) "Corresponding Tier I system" means the system or plan that would have covered

343 the member if the member had initially entered employment before July 1, 2011.

344 (3) "Final average salary" means the amount computed by averaging the highest five
345 years of annual compensation preceding retirement subject to Subsections (3)(a), (b), (c), and
346 (d).

347 (a) Except as provided in Subsection (3)(b), the percentage increase in annual
348 compensation in any one of the years used may not exceed the previous year's compensation by
349 more than 10% plus a cost-of-living adjustment equal to the decrease in the purchasing power
350 of the dollar during the previous year, as measured by a United States Bureau of Labor
351 Statistics Consumer Price Index average as determined by the board.

352 (b) In cases where the participating employer provides acceptable documentation to the
353 office, the limitation in Subsection (3)(a) may be exceeded if:

354 (i) the member has transferred from another agency; or

355 (ii) the member has been promoted to a new position.

356 (c) If the member retires more than six months from the date of termination of
357 employment, the member is considered to have been in service at the member's last rate of pay
358 from the date of the termination of employment to the effective date of retirement for purposes
359 of computing the member's final average salary only.

360 (d) If the member has less than five years of service credit in this system, final average
361 salary means the average annual compensation paid to the member during the full period of
362 service credit.

363 (4) "Firefighter service" means employment normally requiring an average of 2,080
364 hours of regularly scheduled employment per year rendered by a member who is a firefighter
365 service employee trained in firefighter techniques and assigned to a position of hazardous duty
366 with a regularly constituted fire department, but does not include secretarial staff or other
367 similar employees.

368 (5) "Firefighter service employee" means an employee of a participating employer who
369 provides firefighter service under this chapter. An employee of a regularly constituted fire
370 department who does not perform firefighter service is not a firefighter service employee.

371 (6) (a) "Line-of-duty death" means a death resulting from:

372 (i) external force, violence, or disease occasioned by an act of duty as a public safety
373 service or firefighter service employee; or

374 (ii) strenuous activity, including a heart attack or stroke, that occurs during strenuous
375 training or another strenuous activity required as an act of duty as a public safety service or
376 firefighter service employee.

377 (b) "Line-of-duty death" does not include a death that:

378 (i) occurs during an activity that is required as an act of duty as a public safety service
379 or firefighter service employee if the activity is not strenuous, including an activity that is
380 clerical, administrative, or of a non-manual nature;

381 (ii) occurs during the commission of a crime committed by the employee;

382 (iii) the employee's intoxication or use of alcohol or drugs, whether prescribed or
383 non-prescribed contributes to the employee's death; or

384 (iv) occurs in manner other than as described in Subsection (6)(a).

385 [~~(6)~~] (7) "Participating employer" means an employer which meets the participation
386 requirements of:

387 (a) Sections 49-14-201 and 49-14-202;

388 (b) Sections 49-15-201 and 49-15-202;

389 (c) Sections 49-16-201 and 49-16-202; or

390 (d) Sections 49-23-201 and 49-23-202.

391 [~~(7)~~] (8) (a) "Public safety service" means employment normally requiring an average
392 of 2,080 hours of regularly scheduled employment per year rendered by a member who is a:

393 (i) law enforcement officer in accordance with Section 53-13-103;

394 (ii) correctional officer in accordance with Section 53-13-104;

395 (iii) special function officer approved in accordance with Sections 49-15-201 and
396 53-13-105; and

397 (iv) full-time member of the Board of Pardons and Parole created under Section
398 77-27-2.

399 (b) Except as provided under Subsection [~~(7)~~] (8)(a)(iv), "public safety service" also
400 requires that in the course of employment the employee's life or personal safety is at risk.

401 [~~(8)~~] (9) "Public safety service employee" means an employee of a participating
402 employer who performs public safety service under this chapter.

403 [~~(9)~~] (10) "System" means the New Public Safety and Firefighter Tier II Contributory
404 Retirement System created under this chapter.

405 ~~[(10)]~~ (11) (a) "Volunteer firefighter" means any individual that is not regularly
406 employed as a firefighter service employee, but who:

407 (i) has been trained in firefighter techniques and skills;
408 (ii) continues to receive regular firefighter training; and
409 (iii) is on the rolls of a legally organized volunteer fire department which provides
410 ongoing training and serves a political subdivision of the state.

411 (b) An individual that volunteers assistance but does not meet the requirements of
412 Subsection ~~[(10)]~~ (11)(a) is not a volunteer firefighter for purposes of this chapter.

413 ~~[(11)]~~ (12) "Years of service credit" means:

414 (a) a period, consisting of 12 full months as determined by the board; or
415 (b) a period determined by the board, whether consecutive or not, during which a
416 regular full-time employee performed services for a participating employer, including any time
417 the regular full-time employee was absent on a paid leave of absence granted by a participating
418 employer or was absent in the service of the United States government on military duty as
419 provided by this chapter.

420 Section 7. Section **49-23-503** is amended to read:

421 **49-23-503. Death of active member in line of duty -- Payment of benefits.**

422 If an active member of this system dies, benefits are payable as follows:

423 (1) If the death is classified by the office as a line-of-duty death, benefits are payable as
424 follows:

425 (a) If the member has accrued less than 20 years of public safety service or firefighter
426 service credit, the spouse at the time of death shall receive a lump sum of \$1,000 and an
427 allowance equal to 30% of the member's final average monthly salary.

428 (b) If the member has accrued 20 or more years of public safety service or firefighter
429 service credit, the member shall be considered to have retired with an Option One allowance
430 calculated without an actuarial reduction under Section 49-23-304 and the spouse at the time of
431 death shall receive the allowance that would have been payable to the member.

432 (2) (a) A volunteer firefighter is eligible for a line-of-duty death benefit under this
433 section if the death results from external force, violence, or disease directly resulting from
434 firefighter service.

435 (b) The lowest monthly compensation of firefighters of a city of the first class in this

436 state at the time of death shall be considered to be the final average monthly salary of a
437 volunteer firefighter for purposes of computing these benefits.

438 (c) Each volunteer fire department shall maintain a current roll of all volunteer
439 firefighters which meet the requirements of Subsection 49-23-102[~~(10)~~](11) to determine the
440 eligibility for this benefit.

441 (3) (a) If the death is classified as a line-of-duty death by the office, death benefits are
442 payable under this section and the spouse at the time of death is not eligible for benefits under
443 Section 49-23-502.

444 (b) If the death is not classified as a line-of-duty death by the office, benefits are
445 payable in accordance with Section 49-23-502.