

## Part 5 Death Benefit

### **49-17-501 Death benefit for members before retirement -- Computation.**

- (1) Upon the receipt of acceptable proof of death of a member before the member's retirement date, the member's surviving spouse shall have the choice of the following death benefits:
  - (a) a refund of the member's member contributions, including refund interest, plus 65% of the member's most recent 12 months' compensation prior to death; or
  - (b) an allowance equal to 65% of the allowance computed in accordance with Section 49-17-402, but disregarding early retirement reductions.
- (2) If there is no surviving spouse, member contributions, including refund interest, shall be refunded to a beneficiary, in accordance with Sections 49-11-609 and 49-11-610.
- (3)
  - (a) A surviving spouse who requests a benefit under this section shall apply in writing to the office.
  - (b) The allowance shall begin on the first day of the month:
    - (i) following the month in which the member died, if the application is received by the office within 90 days of the member's death; or
    - (ii) following the month in which the application is received by the office, if the application is received by the office more than 90 days after the member's death.

Amended by Chapter 84, 2016 General Session

### **49-17-502 Benefits payable upon death of retired member.**

- (1)
  - (a) The death benefit payable to a retiree's surviving spouse is an allowance equal to 65% of the allowance which was being paid to the retiree at the time of death.
  - (b) The effective date of the accrual of this allowance is the first day of the month following the month in which the retiree died.
- (2)
  - (a) Notwithstanding the amount of the allowance under Subsection (1), at the time of retirement, a retiree may elect to increase the spousal death benefit up to 75% of an allowance computed in accordance with Section 49-17-402.
  - (b) If an election is made under Subsection (2)(a), the member's allowance shall be reduced to reflect the actuarial equivalent necessary to pay for the increased spousal death benefit above 65%.
- (3)
  - (a) A surviving spouse who qualifies for a monthly benefit under this section shall apply in writing to the office.
  - (b) The allowance shall begin on the first day of the month following the month in which the:
    - (i) member or participant died, if the application is received by the office within 90 days of the date of death of the member or participant; or
    - (ii) application is received by the office, if the application is received by the office more than 90 days after the date of death of the member or participant.

Amended by Chapter 84, 2016 General Session

**49-17-503 Surviving spouse includes certain former spouses -- Benefit calculation for former spouse.**

- (1) The benefit calculation for a surviving spouse with a valid domestic relations order benefits on file with the office before the member's death date in accordance with Section 49-11-612 is calculated according to the manner in which the court order specified benefits to be partitioned, whether as a fixed amount or as a percentage of the benefit.
- (2) If the death benefits under this section are partitioned among more than one surviving spouse due to domestic relations order benefits on file with the office before the member's death date in accordance with Section 49-11-612, the total amount received by the surviving spouses may not exceed the death benefits normally provided to one surviving spouse under this section.

Enacted by Chapter 84, 2016 General Session