

SB0255S01 compared with SB0255

~~{Omitted text}~~ shows text that was in SB0255 but was omitted in SB0255S01

inserted text shows text that was not in SB0255 but was inserted into SB0255S01

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1

Line-of-Duty Death Benefit Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derrin R. Owens

House Sponsor: Douglas R. Welton

2

3 LONG TITLE

4 General Description:

5 This bill modifies provisions relating to benefits resulting from a line-of-duty death.

6 Highlighted Provisions:

7 This bill:

8 ▸ ~~{provides that the health, dental, }~~ adds dental and vision benefits to the benefits available to the spouse and surviving children of a public safety employee or fire service employee who dies in the line of duty ~~{remain available to the employee's surviving spouse and children}~~ ;

11 ▸ ~~{subject to legislative appropriation, directs the Department of }~~ removes the 12-month waiting period for accessing funds from the Local Public Safety and Firefighter Surviving Spouse Trust Fund to ~~{reimburse an employer for amounts paid }~~ pay for the ~~{first 12 months of certain benefits provided to the surviving spouse }~~ surviving spouse's and ~~{children of a public safety service employee or fire service employee who dies in the line of duty }~~ children's benefits; and

15 ▸ makes technical and conforming changes.

15 Money Appropriated in this Bill:

16 None

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17 **Other Special Clauses:**

18 None

20 AMENDS:

21 **53-17-201** , as last amended by Laws of Utah 2017, Chapter 269 , as last amended by Laws of Utah
2017, Chapter 269

22 **53-17-401** , as last amended by Laws of Utah 2017, Chapter 269 , as last amended by Laws of Utah
2017, Chapter 269

23 **53-17-402** , as last amended by Laws of Utah 2021, Chapter 382 , as last amended by Laws of Utah
2021, Chapter 382

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

26 Section 1. Section **53-17-201** is amended to read:

27 **53-17-201. Surviving spouse and children health, dental, and vision coverage for line-of-duty
death.**

30 (1)

(a) Subject to Subsection (1)(b), and in accordance with this section, an employer shall allow the surviving spouse and children of a member whose death is classified by the Utah State Retirement Office as a line-of-duty death under the provisions of Title 49, Utah State Retirement and Insurance Benefit Act, to remain eligible for ~~[health coverage under the employer's group health plan]~~ the following coverage, if offered by the employer, as if the surviving spouse was an employee of the employer[-] :

36 (i) health coverage;

37 (ii) dental coverage; and

38 (iii) vision coverage.

39 ~~[(b) The employer shall pay 100% of the premium costs and, if the health coverage is a high-deductible plan, the employer share of any contribution into a health savings account for the surviving spouse and dependent children as described under Subsections (1)(a) and (2), and may not require payment from the surviving spouse for premium costs or health savings account contributions as a condition of qualifying to continue to receive the health coverage.]~~

45 (b) Except as provided in Subsection (1)(d), the employer shall pay:

46 (i) 100% of the premium costs for the coverage described in Subsection (1)(a); and

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- 47 (ii) if the health coverage is a high-deductible plan, the employer share of any contribution into a health savings account for the surviving spouse and dependent children as described under Subsections (1)(a) and (2).
- 50 (c) The employer may not require {payment from} the surviving spouse to pay for premium costs or health savings account contributions as a condition of qualifying to continue to receive the coverage described in Subsection (1)(a).
- 53 [(e){}] ~~{(d)}~~
{(i)} For the first 12 months after the line-of-duty death, the employer shall pay the amount specified under Subsection (1)(b).
- 55 ~~{(ii) The department shall reimburse an employer for any amount paid under Subsection (1)(d)(i).}~~
- 57 ~~{(d){}} ~~{(e)}~~~~ Beginning 13 months after the line-of-duty death, an An employer may pay the amount specified under Subsection (1)(b) through a cost-sharing agreement under Section 53-17-301 associated with the trust fund created under Section 53-17-401.
- 60 (2) An employer shall allow a surviving spouse and children to remain eligible to receive [health] coverage from the employer under this section at the option of the surviving spouse:
- 63 (a) ~~[for health coverage]~~for the surviving spouse, until the surviving spouse becomes eligible for Medicare; and
- 65 (b) for ~~[health coverage of]~~a child, until the child reaches the age of 26.
- 66 (3) This section does not apply to~~[-a member who]:~~
- 67 (a) a member who does not qualify for a line-of-duty death benefit under Title 49, Utah State Retirement and Insurance Benefit Act;
- 69 (b) coverage for which, at the time of death, the member did not receive or qualify to receive~~[-employer group health coverage];~~ or
- 71 (c) a member who is covered under Section 49-20-406.
- 69 Section 2. Section **53-17-401** is amended to read:
- 70 **53-17-401. Local Public Safety and Firefighter Surviving Spouse Trust Fund.**
- 74 (1) There is created a private purpose trust fund entitled the "Local Public Safety and Firefighter Surviving Spouse Trust Fund."
- 76 (2) The trust fund consists of:
- 77 (a) fees established in Subsection 53-17-402(2)(a);
- 78 (b) appropriations made to the fund by the Legislature, if any;

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- 79 (c) private donations and grants; and
80 (d) other revenue received from other sources.
- 81 (3) The ~~[Department of Public Safety]~~ department:
- 82 (a) shall account for the receipt and expenditures of trust fund money; or
83 (b) may enter into contract with a third-party administrator to administer the fund and account for the receipt and expenditure of trust fund money.
- 85 (4) The trust fund shall earn interest.
- 86 (5) The revenue and interest in the account, less actual administrative costs to the department, shall be used to lower fees paid by an employer under Section 53-17-201.
- 88 (6) The board of trustees created in Section 53-17-402 may expend money from the trust fund:
90 ~~[(a) for health coverage for a surviving spouse and children under Subsection 53-17-201(1)(d) by paying:]~~
92 ~~[(i) premium costs; or]~~
93 ~~[(ii) if the health coverage is a high-deductible plan, premium costs and the employer contribution to a health savings account; and]~~
- 95 (a) as provided in Subsection {~~53-17-201(1)(e)~~ 53-17-201(1); and
96 (b) for reasonable administrative costs that the department and the board of trustees incur in performing their duties for administering the trust fund.
- 98 (7) Money deposited into the trust fund is irrevocable and is expended only for the purposes described in this chapter.
- 100 (8) Assets of the trust fund are dedicated for the purposes established by statute and administrative rule.
102 (9) Creditors of the board of trustees and of employers liable for the benefits paid under this chapter may not seize, attach, or otherwise obtain assets of the trust fund.

101 Section 3. Section **53-17-402** is amended to read:

102 **53-17-402. Local Public Safety and Firefighter Surviving Spouse Trust Fund Board of Trustees -- Quorum -- Duties -- Establish rates.**

- 107 (1)
(a) There is created the Local Public Safety and Firefighter Surviving Spouse Trust Fund Board of Trustees composed of four members:
109 (i) the commissioner of public safety or the commissioner's designee;
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- (ii) the executive director of the Governor's Office of Planning and Budget or the executive director's designee;
- 112 (iii) one person representing municipalities, designated by the Utah League of Cities and Towns;
and
- 114 (iv) one person representing counties, designated by the Utah Association of Counties.
- 116 (b) The commissioner of public safety, or the commissioner's designee, is chair of the board.
- 118 (c) Three members of the board are a quorum.
- 119 (d) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - 121 (i) Section 63A-3-106;
 - 122 (ii) Section 63A-3-107; and
 - 123 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
- 125 (e)
 - (i) The [~~Department of Public Safety~~] department shall staff the board of trustees.
 - 126 (ii) The department shall provide accounting services for the trust fund.
- 127 (2) The board shall:
 - 128 (a) establish rates to charge each employer based on the number of public safety service employees and firefighter service employees who are eligible for the health, dental, and vision coverage under this chapter;
 - 131 (b) act as trustee of the trust fund and exercise the state's fiduciary responsibilities;
 - 132 (c) meet at least once per year;
 - 133 (d) review and approve all policies, projections, rules, criteria, procedures, forms, standards, performance goals, and actuarial reports;
 - 135 (e) review and approve the budget for the trust fund;
 - 136 (f) review financial records of the trust fund, including trust fund receipts, expenditures, and investments;
 - 138 (g) commission and obtain financial or actuarial studies of the liabilities for the trust fund;
 - 140 (h) calculate and approve administrative expenses of the trust fund; and
 - 141 (i) do any other things necessary to perform the fiduciary obligations under the trust.

139 Section 4. **Effective date.**

This bill takes effect on May 7, 2025.

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