

Effective 7/1/2015

Part 4
Local Public Safety and Firefighter Surviving Spouse Trust Fund

53-17-401 Local Public Safety and Firefighter Surviving Spouse Trust Fund.

- (1) There is created a private purpose trust fund entitled the "Local Public Safety and Firefighter Surviving Spouse Trust Fund."
- (2) The trust fund consists of:
 - (a) fees established in Subsection 53-17-402(2)(a);
 - (b) appropriations made to the fund by the Legislature, if any;
 - (c) private donations and grants; and
 - (d) other revenue received from other sources.
- (3) The Department of Public Safety shall account for the receipt and expenditures of trust fund money.
- (4) The trust fund shall earn interest.
- (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.
- (6) The board of trustees created in Section 53-17-402 may expend money from the trust fund for health coverage for a surviving spouse and children under Subsection 53-17-201(1)(b)(iii) by paying:
 - (a)
 - (i) premium costs; or
 - (ii) if the health coverage is a high-deductible plan, premium costs and the employer contribution to a health savings account; and
 - (b) reasonable administrative costs that the department and the board of trustees incur in performing their duties for the trust fund.
- (7) Money deposited into the trust fund is irrevocable and is expended only for the purposes described in this chapter.
- (8) Assets of the trust fund are dedicated for the purposes established by statute and administrative rule.
- (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.

Enacted by Chapter 166, 2015 General Session

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

- (1)
 - (a) There is created the Local Public Safety and Firefighter Surviving Spouse Trust Fund Board of Trustees composed of four members:
 - (i) the commissioner of public safety or the commissioner's designee;
 - (ii) the executive director of the Governor's Office of Management and Budget or the executive director's designee;
 - (iii) one person representing municipalities, designated by the Utah League of Cities and Towns; and
 - (iv) one person representing counties, designated by the Utah Association of Counties.
 - (b) The commissioner of public safety, or the commissioner's designee, is chair of the board.

- (c) Three members of the board are a quorum.
- (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:
 - (i) Section 63A-3-106;
 - (ii) Section 63A-3-107; and
 - (iii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
- (e)
 - (i) The Department of Public Safety shall staff the board of trustees.
 - (ii) The department shall provide accounting services for the trust fund.
- (2) The board shall:
 - (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 coverage under this chapter;
 - (b) act as trustee of the trust fund and exercise the state's fiduciary responsibilities;
 - (c) meet at least once per year;
 - (d) review and approve all policies, projections, rules, criteria, procedures, forms, standards, performance goals, and actuarial reports;
 - (e) review and approve the budget for the trust fund;
 - (f) review financial records of the trust fund, including trust fund receipts, expenditures, and investments;
 - (g) commission and obtain financial or actuarial studies of the liabilities for the trust fund;
 - (h) calculate and approve administrative expenses of the trust fund; and
 - (i) do any other things necessary to perform the fiduciary obligations under the trust.

Enacted by Chapter 166, 2015 General Session