

PUBLIC SAFETY RETIREMENT AMENDMENTS

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Orville D. Carnahan

AN ACT RELATING TO RETIREMENT; AMENDING CERTAIN DEATH BENEFIT PROVISIONS.

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

AMENDS:

49-4a-701, as last amended by Chapter 285, Laws of Utah 1990

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

Section 1. Section **49-4a-701** is amended to read:

49-4a-701. Death of active member in Division A -- Payment of benefits.

If an active member of the system enrolled in Division A under Section 49-4a-301 dies, the following benefits are payable according to the conditions stipulated:

(1) [Hf] (a) Except as provided in Subsection (1)(b), if the death is classified as a line-of-duty death, the dependent spouse shall receive a lump sum of \$1,000 and a monthly allowance equal to 30% of the deceased member's final average monthly salary.

(b) If the member has 20 or more years of service credit, the member shall be considered to have retired with a monthly allowance calculated under Subsection 49-4a-402(1) and the dependent spouse shall receive the death benefit payable to a dependent spouse under Subsection 49-4a-704(1).

(2) If the death is not classified as a line-of-duty death, the following benefits are payable:

(a) If the member has less than ten years service credit at the time of death, the beneficiary shall receive the sum of \$1,000 or a refund of contributions, whichever amount is greater.

(b) If the member has ten or more years, but less than 20 years of service credit at the time of death, the dependent spouse shall receive the sum of \$500, plus a monthly allowance equal to 2% of the deceased member's final average monthly salary, for each year of service credit standing to the member's account, with a maximum of 30% allowed.

(c) If the member has 20 or more years of service credit, the benefit shall be calculated as

provided in Subsection (1)(b).

(3) No benefits are payable to minor children under Division A.

(4) If the benefit is not distributed under this section, and there is a beneficiary, the vested contribution shall be paid to the beneficiary.