

Representative Orville D. Carnahan proposes to substitute the following bill:

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 death is classified as a line-of-duty death, and 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 of service credit at the time of death, the

1 dependent spouse shall receive the sum of \$500, plus a monthly allowance equal to 2% of the
2 deceased member's final average monthly salary, for each year of service credit standing to the
3 member's account, with a maximum of 30% allowed.

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

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