

59 accrued by the member up to a maximum of 30% of the member's final average monthly salary.

60 (2) Except as provided under Subsection (1)(b)(i), benefits are not payable to minor
61 children of members covered under Division A.

62 (3) If a benefit is not distributed under this section, and the member has designated a
63 beneficiary, the member's member contributions shall be paid to the beneficiary.

64 (4) (a) A spouse who requests a benefit under this section shall apply in writing to the
65 office.

66 (b) The allowance shall begin on the first day of the month following the month in
67 which the:

68 (i) member died, if the application is received by the office within 90 days of the
69 member's death; or

70 (ii) application is received by the office, if the application is received by the office
71 more than 90 days after the member's death.

72 Section 2. Section **49-14-502** is amended to read:

73 **49-14-502. Death of active member in Division B -- Payment of benefits.**

74 (1) If an active member of this system enrolled in Division B under Section 49-14-301
75 dies, benefits are payable as follows:

76 (a) If the death is classified by the office as a line-of-duty death, the spouse at the time
77 of death shall receive ~~H~~→ :

77a (i) ~~←H~~ a lump sum [~~of \$1,500~~] equal to six months of the active member's final
78 average salary ~~H~~→ ; ~~←H~~ and

78a ~~H~~→ (ii) ~~←H~~ an allowance equal to 37.5% of the member's final average monthly salary.

79 (b) If the death is not classified by the office as a line-of-duty death, benefits are
80 payable as follows:

81 (i) If the member has accrued two or more years of public safety service credit at the

82 time of death, the death is considered a line-of-duty death and the ~~H~~→ [~~benefit shall be paid~~] spouse

82a at the time of death shall receive:

82b (A) a lump sum of \$1,500; and

82c (B) an allowance ~~←H~~ as

83 provided under Subsection (1)(a) ~~H~~→ (ii) ~~←H~~ .

84 (ii) If the member has accrued less than two years of public safety service credit at the
85 time of death, the spouse at the time of death shall receive a refund of the member's member
86 contributions, plus 50% of the member's most recent 12 months' compensation.

87 (c) (i) If the member has accrued two or more years of public safety service credit at
88 the time of death, each of the member's unmarried children to age 18 or dependent unmarried
89 children with a mental or physical disability shall receive a monthly allowance of \$50.

121 (i) If the member has accrued less than 10 years of public safety service credit, the
 122 beneficiary shall receive the sum of \$1,000 or a refund of the member's member contributions,
 123 whichever is greater.

124 (ii) If the member has accrued 10 or more years, but less than 20 years of public safety
 125 service credit at the time of death, the spouse at the time of death shall receive the sum of \$500,
 126 plus an allowance equal to 2% of the member's final average monthly salary for each year of
 127 service credit accrued by the member up to a maximum of 30% of the member's final average
 128 monthly salary.

129 (iii) If the member has accrued 20 or more years of public safety service credit, the
 130 benefit shall be calculated as provided in Subsection (1)(a)(ii).

131 (2) Except as provided under Subsection (1)(b)(i), benefits are not payable to minor
 132 children under Division A.

133 (3) If a benefit is not distributed under this section, and the member has designated a
 134 beneficiary, the member's member contribution shall be paid to the beneficiary.

135 (4) (a) A spouse who requests a benefit under this section shall apply in writing to the
 136 office.

137 (b) The allowance shall begin on the first day of the month following the month in
 138 which the:

139 (i) member died, if the application is received by the office within 90 days of the
 140 member's death; or

141 (ii) application is received by the office, if the application is received by the office
 142 more than 90 days after the member's death.

143 Section 4. Section **49-15-502** is amended to read:

144 **49-15-502. Death of active member in Division B -- Payment of benefits.**

145 (1) If an active member of this system enrolled in Division B under Section 49-15-301
 146 dies, benefits are payable as follows:

147 (a) If the death is classified by the office as a line-of-duty death, the spouse at the time
 148 of death shall receive ~~Ĥ→~~ :

148a ~~(i) ←Ĥ~~ a lump sum [of \$1,500] equal to six months of the active member's final
 149 average salary ~~Ĥ→~~ ; ~~←Ĥ~~ and

149a ~~Ĥ→~~ (ii) ←Ĥ an allowance equal to 37.5% of the member's final average monthly salary.

150 (b) If the death is not classified by the office as a line-of-duty death, and the member
 151 has accrued two or more years of public safety service credit at the time of death, the death is

152 considered line-of-duty and the ~~H~~→ ~~[benefit shall be paid]~~ spouse at the time of death shall
 152a receive:

152b (i) a lump sum of \$1,500; and

152c (ii) an allowance ←~~H~~ as provided under Subsection (1)(a) ~~H~~→ (ii) ←~~H~~ .

153 (c) If the death is not classified by the office as a line-of-duty death, and the member
 154 has accrued less than two years of public safety service credit at the time of death, the spouse at
 155 the time of death shall receive a refund of the member's member contributions, plus 50% of the
 156 member's most recent 12 months' compensation.

157 (d) (i) If the member has accrued two or more years of public safety service credit at
 158 the time of death, each of the member's unmarried children to age 18 or dependent unmarried
 159 children with a mental or physical disability shall receive an allowance of \$50.

160 (ii) Payments shall be made to the surviving parent or to a duly appointed guardian, or
 161 as otherwise provided under Section 49-11-609 or 49-11-610.

162 (2) In the event of the death of both parents, the spouse's benefit shall be prorated and
 163 paid to each of the member's unmarried children to age 18.

164 (3) If a benefit is not distributed under the previous subsections, and the member has
 165 designated a beneficiary, the member's member contributions shall be paid to the beneficiary.

166 (4) The combined payments to beneficiaries of any member under this section may not
 167 exceed 75% of the member's final average monthly salary.

168 (5) (a) A spouse who requests a benefit under this section shall apply in writing to the
 169 office.

170 (b) The allowance shall begin on the first day of the month:

171 (i) following the month in which the member died, if the application is received by the
 172 office within 90 days of the member's death; or

173 (ii) following the month in which the application is received by the office, if the
 174 application is received by the office more than 90 days after the member's death.

175 Section 5. Section **49-16-501** is amended to read:

176 **49-16-501. Death of active member in Division A -- Payment of benefits.**

177 (1) If an active member of this system enrolled in Division A under Section 49-16-301
 178 dies, benefits are payable as follows:

179 (a) If the death is classified by the office as a line-of-duty death, benefits are payable as
 180 follows:

181 (i) If the member has accrued less than 20 years of firefighter service credit, the spouse
 182 at the time of death shall receive a lump sum ~~[of \$1,500]~~ equal to six months of the active

214 dies, benefits are payable as follows:

215 (a) If the death is classified by the office as a line-of-duty death, benefits are payable as
216 follows:

217 (i) If the member has accrued less than 20 years of firefighter service credit, the spouse
218 at the time of death shall receive ~~H→~~ :

218a (A) ←H a lump sum [of \$1,500] equal to six months of the active
219 member's final average salary H→ ; ←H and

219a H→ (B) ←H an allowance equal to 37.5% of the member's final average
220 monthly salary.

221 (ii) If the member has accrued 20 or more years of firefighter service credit, the
222 member shall be considered to have retired with an allowance calculated under Section
223 49-16-402 and the spouse at the time of death shall receive the death benefit payable to a
224 spouse under Section 49-16-504.

225 (b) If the death is not classified by the office as a line-of-duty death, the benefits are
226 payable as follows:

227 (i) If the member has accrued five or more years of firefighter service credit, the death
228 is considered line-of-duty and the ~~H→~~ [same benefits are payable] spouse at time of death
228a shall receive:

228b (A) a lump sum of \$1,500; and

228c (B) an allowance ←H as established under Subsection

229 (1)(a) ~~H→~~ (i)(B) ←H .

230 (ii) If the member has accrued less than five years of firefighter service credit, the
231 spouse at the time of death shall receive a refund of the member's contributions, plus 50% of
232 the member's most recent 12 months compensation.

233 (c) If the member has accrued five or more years of firefighter service credit, the
234 member's unmarried children until they reach age 21 or dependent unmarried children with a
235 mental or physical disability, shall receive a monthly allowance of \$75.

236 (2) (a) In the event of the death of the member and spouse, the spouse's benefits are
237 equally divided and paid to each unmarried child until the child reaches age 21.

238 (b) The payments shall be made to the surviving parent or duly appointed guardian or
239 as provided under Sections 49-11-609 and 49-11-610.

240 (3) If a benefit is not distributed under the previous subsections, and the member has
241 designated a beneficiary, the member's member contributions shall be paid to the beneficiary.

242 (4) The combined monthly payments made to the beneficiaries of any member under
243 this section may not exceed 75% of the member's final average monthly salary.

244 (5) (a) A spouse who requests a benefit under this section shall apply in writing to the

307 **53-17-201. Surviving spouse and children health coverage for line-of-duty death.**

308 (1) In accordance with this section, an employer shall provide continuing health
 309 coverage for the surviving spouse and children of a member whose death is classified by the
 310 Utah State Retirement Office as a line-of-duty death under the provisions of Title 49, Utah
 311 State Retirement and Insurance Benefit Act.

312 (2) Unless covered under the provisions of Section 49-20-406, a surviving spouse and
 313 children shall receive health coverage, paid for 100% by the employer that employed the
 314 member at the time of death, for:

315 (a) the surviving spouse until remarriage or becoming eligible for Medicare, whichever
 316 comes first; and

317 (b) children up to the age of 26.

318 (3) This section does not apply to a member who:

319 (a) does not qualify for a line-of-duty death benefit under the provisions of Title 49,
 320 Utah State Retirement and Insurance Benefit Act; or

321 (b) at the time of death did not receive or qualify to receive employer provided group
 322 health coverage.

323 Section 11. Section **53-17-301** is enacted to read:

324 **Part 3. Death Benefit Assistance**

325 **53-17-301. Death benefit assistance.**

326 **H→ (1) ←H An employer shall H→ notify the governor's office of the line-of-duty death**
 326a **of an active member.**

326b **(2) The governor's office shall ←H ensure that the spouse, at the time of death of the active**
 326c **member, or**
 327 **the beneficiary are provided assistance to understand and apply for any death benefit for which**
 328 **the surviving spouse or beneficiaries may be eligible under this chapter, other Utah law, federal**
 329 **law, or local policy or ordinance.**

Legislative Review Note

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Office of Legislative Research and General Counsel