

HB0159S01 compared with HB0159

~~{deleted text}~~ shows text that was in HB0159 but was deleted in HB0159S01.

inserted text shows text that was not in HB0159 but was inserted into HB0159S01.

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~~{LINE-OF-DUTY}~~ Representative Mike K. McKell proposes the following substitute bill:

LINE-OF-DUTY DEATH BENEFITS AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike K. McKell

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Public Safety Code by amending line-of-duty death benefits provisions.

Highlighted Provisions:

This bill:

- ▶ repeals a provision that discontinues employer paid health coverage for a surviving spouse of a peace officer or firefighter who dies in the line of duty when the surviving spouse remarries;
- ▶ specifies procedures and requirements for an employer to participate in and be covered from the Local Public Safety and Firefighter Surviving Spouse Trust Fund;
- and
- ▶ makes technical changes.

HB0159S01 compared with HB0159

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides for retrospective operation.

Utah Code Sections Affected:

AMENDS:

53-17-201, as enacted by Laws of Utah 2015, Chapter 166

53-17-301, as enacted by Laws of Utah 2015, Chapter 166

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

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

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

(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 as if the surviving spouse was an employee of the employer.

(b) (i) 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.

(ii) For the first 24 months after the line-of-duty death, the employer shall pay the amount specified under Subsection (1)(b)(i).

(iii) Beginning 25 months after the line-of-duty death, an employer may pay the amount specified under Subsection (1)(b)(i) through a cost-sharing agreement under Section 53-17-301 associated with the trust fund created under Section [~~53-17-301~~] 53-17-401.

(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 [~~until~~]:

(a) for health coverage for the surviving spouse, until the surviving spouse [~~remarries~~

HB0159S01 compared with HB0159

or] becomes eligible for Medicare [~~whichever come first~~]; and

(b) [~~a~~] for health coverage of a child, until the child reaches the age of 26.

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

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

(b) at the time of death, did not receive or qualify to receive employer group health coverage; or

(c) is covered under [~~the provisions of~~] Section 49-20-406.

Section 2. Section 53-17-301 is amended to read:

53-17-301. Cost-sharing agreements -- Deadlines -- Terms -- Reports --

Rulemaking.

(1) An employer may elect [~~until June 30, 2017,~~] to participate in the trust fund by:

(a) entering into a cost-sharing agreement with the commissioner under this section;

and

(b) paying the cost-sharing rate determined by the board.

(2) (a) An employer that does not participate in the trust fund by entering into a cost-sharing agreement in accordance with this section, shall pay the full amount required under Subsection 53-17-201(1)(b)(i).

(b) Subject to the terms of the cost-sharing agreement, an employer that elects to participate in accordance with this section, and stays current with its payments, shall be considered to have paid the employer's full obligation under Subsection 53-17-201(1)(b)(i).

(c) An employer that elects to participate in accordance with this section and that does not stay current with its payments may not be covered from the trust fund [~~for more than the employer's actual contributions to the trust fund, without interest earnings~~].

(3) An employer that elects to participate in the trust fund before July 1, 2017, shall be covered from the trust fund for a line-of-duty death that occurs on or after July 1, 2015.

(4) If an employer does not elect to participate in the trust fund before July 1, 2017:

(a) the employer may elect to participate during an annual open enrollment period as established by the board; and

(b) the employer may not be covered from the trust fund for a line-of-duty death that occurs during a period of time when the employer is not a participant in the trust fund.

HB0159S01 compared with HB0159

~~[(3)]~~ (5) The commissioner shall:

(a) in consultation with the board, establish a form and language for a cost-sharing agreement required to use trust funds in accordance with this section;

(b) as directed by the board, assess the annual fee amount established by the board;

(c) prepare and submit to the governor and the Legislature, by October 1 of each year, an annual written report of the trust fund, including its balance, expenditures, and revenues, and the operations and activities of the board under this chapter; and

(d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to implement this chapter.

Section ~~{2}~~3. **Retrospective operation.**

~~{This}~~The amendments to Section 53-17-201 in this bill ~~{has}~~have retrospective operation to July 1, 2015.

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Legislative Review Note

Office of Legislative Research and General Counsel}