

PUBLIC SAFETY AND FIREFIGHTER RETIREMENT

DEATH BENEFIT AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: Carol Spackman Moss

LONG TITLE

Committee Note:

The Retirement and Independent Entities Interim Committee recommended this bill.

General Description:

This bill modifies the Utah State Retirement and Insurance Benefit Act by amending provisions relating to retirement death benefits for certain public safety service employees and firefighter service employees.

Highlighted Provisions:

This bill:

- ▶ amends the death benefits payable to a member of Division B in the Public Safety Noncontributory Retirement Act;
 - ▶ amends the death benefits payable to a member of the Firefighters' Retirement Act;
- and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:



28 [49-15-502](#), as last amended by Laws of Utah 2016, Chapter 84

29 [49-16-501](#), as last amended by Laws of Utah 2016, Chapter 84



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

32 Section 1. Section **49-15-502** is amended to read:

33 **49-15-502. Death of active member in Division B -- Payment of benefits.**

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

36 (a) If the death is classified by the office as a line-of-duty death, the surviving spouse
37 shall receive:

38 (i) a lump sum equal to six months of the active member's final average salary; and

39 (ii) (A) an allowance equal to 37.5% of the member's final average monthly salary[-];

40 or

41 (B) if the member has accrued 20 or more years of public safety service credit, the
42 greater of:

43 (I) an allowance equal to 37.5% of the member's final average monthly salary; or

44 (II) the death benefit payable to a surviving spouse under Section [49-15-504](#).

45 (b) If the death is not classified by the office as a line-of-duty death, and the member
46 has accrued two or more years of public safety service credit at the time of death, the death is
47 considered line-of-duty and the surviving spouse shall receive:

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

49 (ii) an allowance as provided under Subsection (1)(a)(ii).

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

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

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

59 (2) If the member dies and there is no surviving spouse, any amounts that would have
60 been the surviving spouse's benefit shall be prorated and paid to each of the member's
61 unmarried children to age 18.

62 (3) If a benefit is not distributed under Subsection (1) or (2), and the member has
63 designated a beneficiary, the member's member contributions shall be paid to the beneficiary.

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

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

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

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

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

73 Section 2. Section **49-16-501** is amended to read:

74 **49-16-501. Death of active member in Division A -- Payment of benefits.**

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

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

79 (i) If the member has accrued less than 20 years of firefighter service credit, the
80 surviving spouse shall receive a lump sum equal to six months of the active member's final
81 average salary and an allowance equal to 30% of the member's final average monthly salary.

82 (ii) If the member has accrued 20 or more years of firefighter service credit, the
83 member shall be considered to have retired with an allowance calculated under Section
84 [49-16-402](#) and the surviving spouse shall receive the death benefit payable to a surviving
85 spouse under Section [49-16-504](#).

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

88 (i) If the member has accrued less than 10 years of firefighter service credit, the
89 beneficiary shall receive a sum of \$1,000 or a refund of the member's member contributions,

90 whichever is greater.

91 (ii) If the member has accrued 10 or more years of firefighter service credit but less
92 than 20 years of firefighter service credit, the surviving spouse shall receive a sum of \$500,
93 plus an allowance equal to 2% of the member's final average monthly salary for each year of
94 service credit accrued by the member up to a maximum of 30% of the member's final average
95 monthly salary.

96 (iii) If the member has accrued 20 or more years of firefighter service credit:

97 (A) the member shall be considered to have retired with an allowance calculated under
98 Section 49-16-402; and

99 (B) the surviving spouse shall receive the death benefit payable to a surviving spouse
100 under Section 49-16-504.

101 (2) (a) If the member dies without a surviving spouse, the surviving spouse's allowance
102 shall be equally divided and paid to each unmarried child until the child reaches age 21.

103 (b) The payment shall be made to a duly appointed guardian or as provided under
104 Sections 49-11-609 and 49-11-610.

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

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

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

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

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

114 Section 3. **Effective date.**

115 This bill takes effect on July 1, 2018.