

**LOCAL PUBLIC SAFETY AND FIREFIGHTER SURVIVING
SPOUSE TRUST FUND AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill amends provisions relating to the Local Public Safety and Firefighter Surviving Spouse Trust Fund.

Highlighted Provisions:

This bill:

- ▶ provides and amends definitions;
- ▶ authorizes certain law enforcement agencies that employ public safety officers or firefighters to elect to participate in the Local Public Safety and Firefighter Surviving Spouse Trust Fund by:
 - making an election;
 - entering into a cost-sharing agreement with the public safety commissioner; and
 - paying the cost-sharing rate determined by the Local Public Safety and Firefighter Surviving Spouse Trust Fund Board of Trustees;
- ▶ provides that an employer is liable to the trust fund for failure to make a payment pursuant to the cost-sharing agreement; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:



28 This bill provides a special effective date.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **53-17-102**, as enacted by Laws of Utah 2015, Chapter 166

32 **53-17-301 (Effective 07/01/18)**, as last amended by Laws of Utah 2017, Chapter 269



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

35 Section 1. Section **53-17-102** is amended to read:

36 **53-17-102. Definitions.**

37 As used in this chapter:

38 (1) "Board" means Local Public Safety and Firefighter Surviving Spouse Trust Fund
39 Board of Trustees created in Section **53-17-402**.

40 (2) "Child" or "children" means a child of a member, including a stepchild and a
41 legally adopted child who is under the age of 26.

42 (3) "Employer" means a law enforcement agency or other state or local government
43 agency that:

44 (a) is a participating employer [~~as defined in Section **49-11-102**]; and~~

45 (b) employs one or more public safety service employees or firefighter service
46 employees who are eligible to earn service credit in a Utah Retirement System under Title 49,
47 Utah State Retirement and Insurance Benefit Act.

48 (4) "Firefighter service employee" means the same as that term is defined in Section
49 **49-16-102** or **49-23-102**.

50 [~~(4)~~] (5) "Member" means the same as that term is defined in Section **49-11-102**.

51 (6) "Participating employer" means the same as that term is defined in Section
52 **49-11-102**.

53 (7) "Public safety service employee" means the same as that term is defined in Section
54 **49-14-102, 49-15-102, or 49-23-102**.

55 [~~(5)~~] (8) "Trust Fund" means the Local Public Safety and Firefighter Surviving Spouse
56 Trust Fund created in Section **53-17-301**.

57 Section 2. Section **53-17-301 (Effective 07/01/18)** is amended to read:

58 **53-17-301 (Effective 07/01/18). Cost-sharing agreements -- Deadlines -- Terms --**

59 **Reports -- Rulemaking.**

60 (1) (a) An employer shall participate in the trust fund by:

61 [~~(a)~~] (i) entering into a cost-sharing agreement with the commissioner under this
62 section; and

63 [~~(b)~~] (ii) paying the cost-sharing rate determined by the board.

64 (b) (i) In accordance with the requirements of this Subsection (1)(b), a participating
65 employer that employs a public safety officer or firefighter but does not cover the public safety
66 officer or firefighter as a public safety service employee or firefighter service employee for
67 retirement purposes may elect to participate in the trust fund in accordance with the
68 requirements of this Subsection (1)(b).

69 (ii) A participating employer described in Subsection (1)(b)(i) may participate in the
70 trust fund by:

71 (A) making an election described in Subsection (1)(b)(iii);

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

73 and

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

75 (iii) An election under Subsection (1)(b)(ii)(A) shall be documented by a resolution
76 adopted by the participating employer.

77 (iv) If a participating employer makes an election under Subsection (1)(b)(ii), the
78 provisions of this part apply to:

79 (A) the participating employer as an employer; and

80 (B) all employees of the participating employer as members.

81 (v) An employee of a participating employer described in this Subsection (1)(b) is not
82 eligible for coverage under Part 2, Health Coverage for a Surviving Spouse, if the employee is
83 not eligible to earn service credit in a Utah Retirement System under Title 49, Utah State
84 Retirement and Insurance Benefit Act.

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

88 (b) An employer that participates in accordance with this section and that does not stay
89 current with its payments may not be covered from the trust fund.

90 (c) An employer is liable to the trust fund for failure to make a payment pursuant to the
91 cost-sharing agreement in violation of this part.

92 (3) An employer shall be covered from the trust fund for a line-of-duty death that
93 occurs on or after July 1, 2005.

94 (4) The commissioner shall:

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

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

98 (c) as directed by the board, establish procedures for an employer participating in the
99 trust fund to be reimbursed for the costs of providing the health coverage benefit under

100 Subsection [53-17-201\(1\)\(b\)](#);

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

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

106 Section 3. **Effective date.**

107 This bill takes effect on July 1, 2018.

Legislative Review Note
Office of Legislative Research and General Counsel