

1 **LINE-OF-DUTY DEATH BENEFITS FOR PEACE**
2 **OFFICERS AND FIREFIGHTERS**

3 2015 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Paul Ray**

6 Senate Sponsor: Alvin B. Jackson

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Utah State Retirement and Insurance Benefit Act and the Public
11 Safety Code by amending death benefits provisions.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ amends line-of-duty lump sum benefit amounts for public safety officers and
16 firefighters;
- 17 ▶ provides an exception to restrictions from changing Tier II benefits in certain
18 circumstances;
- 19 ▶ requires an employer to provide certain health coverage for the surviving spouse
20 and children of a peace officer or firefighter who dies in the line of duty under
21 certain circumstances;
- 22 ▶ allows employers to enter cost-sharing agreements to participate in a trust fund;
- 23 ▶ requires certain reporting;
- 24 ▶ allows certain rulemaking;
- 25 ▶ creates the Local Public Safety and Firefighter Surviving Spouse Trust Fund and
26 board and establishes board duties;
- 27 ▶ requires an employer to provide assistance for applying for a death benefit to a
28 surviving spouse of a public safety officer or firefighter; and
- 29 ▶ makes technical changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 This bill provides a special effective date.

34 **Utah Code Sections Affected:**

35 AMENDS:

- 36 **49-14-501**, as last amended by Laws of Utah 2014, Chapter 15
- 37 **49-14-502**, as last amended by Laws of Utah 2011, Chapters 366 and 439
- 38 **49-15-501**, as last amended by Laws of Utah 2014, Chapter 15
- 39 **49-15-502**, as last amended by Laws of Utah 2011, Chapters 366 and 439
- 40 **49-16-501**, as last amended by Laws of Utah 2011, Chapter 439
- 41 **49-16-502**, as last amended by Laws of Utah 2011, Chapters 366 and 439
- 42 **49-23-301**, as last amended by Laws of Utah 2011, Chapter 439
- 43 **49-23-503**, as last amended by Laws of Utah 2014, Chapter 15

44 ENACTS:

- 45 **53-17-101**, Utah Code Annotated 1953
- 46 **53-17-102**, Utah Code Annotated 1953
- 47 **53-17-201**, Utah Code Annotated 1953
- 48 **53-17-301**, Utah Code Annotated 1953
- 49 **53-17-401**, Utah Code Annotated 1953
- 50 **53-17-402**, Utah Code Annotated 1953
- 51 **53-17-501**, Utah Code Annotated 1953

52

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

54 Section 1. Section **49-14-501** is amended to read:

55 **49-14-501. Death of active member in Division A -- Payment of benefits.**

56 (1) If an active member of this system enrolled in Division A under Section **49-14-301**
57 dies, benefits are payable as follows:

58 (a) If the death is classified by the office as a line-of-duty death, the spouse at the time
59 of death shall receive a lump sum [~~of \$1,000~~] equal to six months of the active member's final
60 average salary and an allowance equal to 30% of the deceased member's final average monthly
61 salary.

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

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

67 (ii) If the member has accrued 10 or more years of public safety service credit at the
68 time of death, the spouse at the time of death shall receive the sum of \$500, plus an allowance
69 equal to 2% of the member's final average monthly salary for each year of service credit
70 accrued by the member up to a maximum of 30% of the member's final average monthly salary.

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

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

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

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

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

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

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

84 **49-14-502. Death of active member in Division B -- Payment of benefits.**

85 (1) If an active member of this system enrolled in Division B under Section **49-14-301**

86 dies, benefits are payable as follows:

87 (a) If the death is classified by the office as a line-of-duty death, the spouse at the time
88 of death shall receive:

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

91 (ii) an allowance equal to 37.5% of the member's final average monthly salary.

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

94 (i) If the member has accrued two or more years of public safety service credit at the
95 time of death, the death is considered a line-of-duty death and the [~~benefit shall be paid~~] spouse
96 at the time of death shall receive:

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

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

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

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

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

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

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

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

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

114 office.

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

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

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

120 Section 3. Section **49-15-501** is amended to read:

121 **49-15-501. Death of active member in Division A -- Payment of benefits.**

122 (1) If an active member of this system enrolled in Division A under Section **49-15-301**
123 dies, benefits are payable as follows:

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

126 (i) If the member has accrued less than 20 years of public safety service credit, the
127 spouse at the time of death shall receive a lump sum [~~of \$1,000~~] equal to six months of the
128 active member's final average salary and an allowance equal to 30% of the member's final
129 average monthly salary.

130 (ii) If the member has accrued 20 or more years of public safety service credit, the
131 member shall be considered to have retired with an allowance calculated under Section
132 **49-15-402** and the spouse at the time of death shall receive the death benefit payable to a
133 spouse at the time of death under Section **49-15-504**.

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

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

139 (ii) If the member has accrued 10 or more years, but less than 20 years of public safety
140 service credit at the time of death, the spouse at the time of death shall receive the sum of \$500,
141 plus an allowance equal to 2% of the member's final average monthly salary for each year of

142 service credit accrued by the member up to a maximum of 30% of the member's final average
143 monthly salary.

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

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

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

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

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

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

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

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

159 **49-15-502. Death of active member in Division B -- Payment of benefits.**

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

162 (a) If the death is classified by the office as a line-of-duty death, the spouse at the time
163 of death shall receive:

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

166 (ii) an allowance equal to 37.5% of the member's final average monthly salary.

167 (b) If the death is not classified by the office as a line-of-duty death, and the member
168 has accrued two or more years of public safety service credit at the time of death, the death is
169 considered line-of-duty and the [~~benefit shall be paid~~] spouse at the time of death shall receive:

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

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

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

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

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

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

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

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

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

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

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

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

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

195 **49-16-501. Death of active member in Division A -- Payment of benefits.**

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

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

200 (i) If the member has accrued less than 20 years of firefighter service credit, the spouse
201 at the time of death shall receive a lump sum [~~of \$1,500~~] equal to six months of the active
202 member's final average salary and an allowance equal to 30% of the member's final average
203 monthly salary.

204 (ii) If the member has accrued 20 or more years of firefighter service credit, the
205 member shall be considered to have retired with an allowance calculated under Section
206 [49-16-402](#) and the spouse at the time of death shall receive the death benefit payable to a
207 spouse under Section [49-16-504](#).

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

210 (i) If the member has accrued less than 10 years of firefighter service credit, the
211 beneficiary shall receive a sum of \$1,000 or a refund of the member's member contributions,
212 whichever is greater.

213 (ii) If the member has accrued 10 or more years of firefighter service credit the spouse
214 at the time of death shall receive a sum of \$500, plus an allowance equal to 2% of the member's
215 final average monthly salary for each year of service credit accrued by the member up to a
216 maximum of 30% of the member's final average monthly salary.

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

219 (b) The payment shall be made to a duly appointed guardian or as provided under
220 Sections [49-11-609](#) and [49-11-610](#).

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

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

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

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

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

230 Section 6. Section **49-16-502** is amended to read:

231 **49-16-502. Death of active member in Division B -- Payment of benefits.**

232 (1) If an active member of this system enrolled in Division B under Section **49-16-301**
233 dies, benefits are payable as follows:

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

236 (i) If the member has accrued less than 20 years of firefighter service credit, the spouse
237 at the time of death shall receive:

238 (A) a lump sum [~~of \$1,500~~] equal to six months of the active member's final average
239 salary; and

240 (B) an allowance equal to 37.5% of the member's final average monthly salary.

241 (ii) If the member has accrued 20 or more years of firefighter service credit, the
242 member shall be considered to have retired with an allowance calculated under Section
243 **49-16-402** and the spouse at the time of death shall receive the death benefit payable to a
244 spouse under Section **49-16-504**.

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

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

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

251 (B) an allowance as established under Subsection (1)(a)(i)(B).

252 (ii) If the member has accrued less than five years of firefighter service credit, the
253 spouse at the time of death shall receive a refund of the member's contributions, plus 50% of

254 the member's most recent 12 months compensation.

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

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

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

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

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

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

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

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

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

273 Section 7. Section 49-23-301 is amended to read:

274 **49-23-301. Contributions.**

275 (1) Participating employers and members shall pay the certified contribution rates to
276 the office to maintain the defined benefit portion of this system on a financially and actuarially
277 sound basis in accordance with Subsection (2).

278 (2) (a) A participating employer shall pay up to 12% of compensation toward the
279 certified contribution rate to the office for the defined benefit portion of this system.

280 (b) A member shall only pay to the office the amount, if any, of the certified
281 contribution rate for the defined benefit portion of this system that exceeds the percent of

282 compensation paid by the participating employer under Subsection (2)(a).

283 (c) In addition to the percent specified under Subsection (2)(a), the participating
284 employer shall pay the corresponding Tier I system amortization rate of the employee's
285 compensation to the office to be applied to the employer's corresponding Tier I system liability.

286 (3) A participating employer may not elect to pay all or part of the required member
287 contributions under Subsection (2)(b), in addition to the required participating employer
288 contributions.

289 (4) (a) A member contribution is credited by the office to the account of the individual
290 member.

291 (b) This amount, together with refund interest, is held in trust for the payment of
292 benefits to the member or the member's beneficiaries.

293 (c) A member contribution is vested and nonforfeitable.

294 (5) (a) Each member is considered to consent to payroll deductions of member
295 contributions.

296 (b) The payment of compensation less these payroll deductions is considered full
297 payment for services rendered by the member.

298 (6) ~~[Benefits]~~ Except as provided under Subsection (7), benefits provided under the
299 defined benefit portion of the Tier II hybrid retirement system created under this part:

300 (a) may not be increased unless the actuarial funded ratios of all systems under this title
301 reach 100%; and

302 (b) may be decreased only in accordance with the provisions of Section [49-23-309](#).

303 (7) The Legislature authorizes an increase to the death benefit provided to a Tier II
304 public safety service employee or firefighter member's surviving spouse at the time of death
305 effective on May 12, 2015, as provided in Section [49-23-503](#).

306 Section 8. Section **49-23-503** is amended to read:

307 **49-23-503. Death of active member in line of duty -- Payment of benefits.**

308 If an active member of this system dies, benefits are payable as follows:

309 (1) If the death is classified by the office as a line-of-duty death, benefits are payable as

310 follows:

311 (a) If the member has accrued less than 20 years of public safety service or firefighter
312 service credit, the spouse at the time of death shall receive a lump sum [~~of \$1,000~~] equal to six
313 months of the active member's final average salary and an allowance equal to 30% of the
314 member's final average monthly salary.

315 (b) If the member has accrued 20 or more years of public safety service or firefighter
316 service credit, the member shall be considered to have retired with an Option One allowance
317 calculated without an actuarial reduction under Section 49-23-304 and the spouse at the time of
318 death shall receive the allowance that would have been payable to the member.

319 (2) (a) A volunteer firefighter is eligible for a line-of-duty death benefit under this
320 section if the death results from external force, violence, or disease directly resulting from
321 firefighter service.

322 (b) The lowest monthly compensation of firefighters of a city of the first class in this
323 state at the time of death shall be considered to be the final average monthly salary of a
324 volunteer firefighter for purposes of computing these benefits.

325 (c) Each volunteer fire department shall maintain a current roll of all volunteer
326 firefighters which meet the requirements of Subsection 49-23-102(12) to determine the
327 eligibility for this benefit.

328 (3) (a) If the death is classified as a line-of-duty death by the office, death benefits are
329 payable under this section and the spouse at the time of death is not eligible for benefits under
330 Section 49-23-502.

331 (b) If the death is not classified as a line-of-duty death by the office, benefits are
332 payable in accordance with Section 49-23-502.

333 (4) (a) A spouse who qualifies for a monthly benefit under this section shall apply in
334 writing to the office.

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

337 (i) member or participant died, if the application is received by the office within 90

338 days of the date of death of the member or participant; or

339 (ii) application is received by the office, if the application is received by the office
340 more than 90 days after the date of death of the member or participant.

341 Section 9. Section 53-17-101 is enacted to read:

342 **CHAPTER 17. PUBLIC SAFETY OFFICER AND FIREFIGHTER**

343 **LINE-OF-DUTY DEATH ACT**

344 **Part 1. General Provisions**

345 **53-17-101. Title.**

346 This chapter is known as the "Public Safety Officer and Firefighter Line-of-Duty Death
347 Act."

348 Section 10. Section 53-17-102 is enacted to read:

349 **53-17-102. Definitions.**

350 As used in this chapter:

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

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

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

357 (a) is a participating employer as defined in Section 49-11-102; and

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

361 (4) "Member" means the same as that term is defined in Section 49-11-102.

362 (5) "Trust Fund" means the Local Public Safety and Firefighter Surviving Spouse Trust
363 Fund created in Section 53-17-301.

364 Section 11. Section 53-17-201 is enacted to read:

365 **Part 2. Health Coverage for a Surviving Spouse**

366 **53-17-201. Surviving spouse and children health coverage for line-of-duty death.**

367 (1) (a) Subject to Subsection (1)(b), and in accordance with this section, an employer
368 shall allow the surviving spouse and children of a member whose death is classified by the
369 Utah State Retirement Office as a line-of-duty death under the provisions of Title 49, Utah
370 State Retirement and Insurance Benefit Act, to remain eligible for health coverage under the
371 employer's group health plan as if the surviving spouse was an employee of the employer.

372 (b) (i) The employer shall pay 100% of the premium costs and, if the health coverage is
373 a high-deductible plan, the employer share of any contribution into a health savings account for
374 the surviving spouse and dependent children as described under Subsections (1)(a) and (2), and
375 may not require payment from the surviving spouse for premium costs or health savings
376 account contributions as a condition of qualifying to continue to receive the health coverage.

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

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

382 (2) An employer shall allow a surviving spouse and children to remain eligible to
383 receive health coverage from the employer under this section at the option of the surviving
384 spouse until:

385 (a) the surviving spouse remarries or becomes eligible for Medicare whichever come
386 first; and

387 (b) a child reaches the age of 26.

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

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

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

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

394 Section 12. Section **53-17-301** is enacted to read:

395 **Part 3. Cost-Sharing Agreements**

396 **53-17-301. Cost-sharing agreements -- Deadlines -- Terms -- Reports --**

397 **Rulemaking.**

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

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

400 and

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

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

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

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

411 (3) The commissioner shall:

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

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

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

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

420 Section 13. Section **53-17-401** is enacted to read:

421 **Part 4. Local Public Safety and Firefighter Surviving Spouse Trust Fund**

422 **53-17-401. Local Public Safety and Firefighter Surviving Spouse Trust Fund.**423 (1) There is created a private purpose trust fund entitled the "Local Public Safety and
424 Firefighter Surviving Spouse Trust Fund."425 (2) The trust fund consists of:426 (a) fees established in Subsection [53-17-402\(2\)\(a\)](#);427 (b) appropriations made to the fund by the Legislature, if any;428 (c) private donations and grants; and429 (d) other revenue received from other sources.430 (3) The Department of Public Safety shall account for the receipt and expenditures of
431 trust fund money.432 (4) The trust fund shall earn interest.433 (5) The revenue and interest in the account, less actual administrative costs to the
434 department, shall be used to lower fees paid by an employer under Section [53-17-201](#).435 (6) The board of trustees created in Section [53-17-402](#) may expend money from the
436 trust fund for health coverage for a surviving spouse and children under Subsection
437 [53-17-201\(1\)\(b\)\(iii\)](#) by paying:438 (a) (i) premium costs; or439 (ii) if the health coverage is a high-deductible plan, premium costs and the employer
440 contribution to a health savings account; and441 (b) reasonable administrative costs that the department and the board of trustees incur
442 in performing their duties for the trust fund.443 (7) Money deposited into the trust fund is irrevocable and is expended only for the
444 purposes described in this chapter.445 (8) Assets of the trust fund are dedicated for the purposes established by statute and
446 administrative rule.447 (9) Creditors of the board of trustees and of employers liable for the benefits paid
448 under this chapter may not seize, attach, or otherwise obtain assets of the trust fund.449 Section 14. Section **53-17-402** is enacted to read:

- 450 **53-17-402. Local Public Safety and Firefighter Surviving Spouse Trust Fund**
451 **Board of Trustees -- Quorum -- Duties -- Establish rates.**
- 452 (1) (a) There is created the Local Public Safety and Firefighter Surviving Spouse Trust
453 Fund Board of Trustees composed of four members:
- 454 (i) the commissioner of public safety or the commissioner's designee;
455 (ii) the executive director of the Governor's Office of Management and Budget or the
456 executive director's designee;
- 457 (iii) one person representing municipalities, designated by the Utah League of Cities
458 and Towns; and
- 459 (iv) one person representing counties, designated by the Utah Association of Counties.
- 460 (b) The commissioner of public safety, or the commissioner's designee, is chair of the
461 board.
- 462 (c) Three members of the board are a quorum.
- 463 (d) A member may not receive compensation or benefits for the member's service, but
464 may receive per diem and travel expenses in accordance with:
- 465 (i) Section [63A-3-106](#);
466 (ii) Section [63A-3-107](#); and
- 467 (iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and
468 [63A-3-107](#).
- 469 (e) (i) The Department of Public Safety shall staff the board of trustees.
470 (ii) The department shall provide accounting services for the trust fund.
- 471 (2) The board shall:
- 472 (a) establish rates to charge each employer based on the number of public safety
473 service employees and firefighter service employees who are eligible for the health coverage
474 under this chapter;
- 475 (b) act as trustee of the trust fund and exercise the state's fiduciary responsibilities;
476 (c) meet at least once per year;
477 (d) review and approve all policies, projections, rules, criteria, procedures, forms,

478 standards, performance goals, and actuarial reports;

479 (e) review and approve the budget for the trust fund;

480 (f) review financial records of the trust fund, including trust fund receipts,

481 expenditures, and investments;

482 (g) commission and obtain financial or actuarial studies of the liabilities for the trust

483 fund;

484 (h) calculate and approve administrative expenses of the trust fund; and

485 (i) do any other things necessary to perform the fiduciary obligations under the trust.

486 Section 15. Section **53-17-501** is enacted to read:

487 **Part 5. Death Benefit Assistance**

488 **53-17-501. Death benefit assistance.**

489 (1) An employer shall notify the governor's office of the line-of-duty death of an active
490 member.

491 (2) The governor's office shall ensure that the spouse, at the time of death of the active
492 member, or the beneficiary are provided assistance to understand and apply for any death
493 benefit for which the surviving spouse or beneficiaries may be eligible under this chapter, other
494 Utah law, federal law, or local policy or ordinance.

495 Section 16. **Effective date.**

496 This bill takes effect on July 1, 2015.