

FIREFIGHTER DEATH BENEFIT AMENDMENTS

2023 FIRST SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This bill modifies the death benefit for certain firefighters under the Firefighters' Retirement Act.

Highlighted Provisions:

This bill:

- amends the death benefits under the Firefighters' Retirement Act that are payable to the surviving spouse of a Division B active member whose death is not classified by the Utah State Retirement Office as a line-of-duty death.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

49-16-502, as last amended by Laws of Utah 2016, Chapter 84

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

Section 1. Section **49-16-502** is amended to read:

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

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

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

30 follows:

31 (i) If the member has accrued less than 20 years of firefighter service credit, the
32 surviving spouse shall receive:

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

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

35 (ii) If the member has accrued 20 or more years of firefighter service credit, the
36 member shall be considered to have retired with an allowance calculated under Section
37 [49-16-402](#) and the surviving spouse shall receive the death benefit payable to a surviving
38 spouse under Section [49-16-504](#).

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

41 (i) If the member has accrued 20 or more years of firefighter service credit, the death is
42 considered line-of-duty and the surviving spouse shall receive:

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

44 (B) the greater of an allowance established under Subsection (1)(a)(i)(B) or Subsection
45 (1)(a)(ii).

46 (ii) If the member has accrued five or more years of firefighter service credit but less
47 than 20 years of firefighter service credit, the death is considered line-of-duty and the surviving
48 spouse shall receive:

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

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

51 ~~(ii)~~ (iii) If the member has accrued less than five years of firefighter service credit, the
52 surviving spouse shall receive a refund of the member's contributions, plus 50% of the
53 member's most recent 12 months compensation.

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

57 (2) (a) If the member dies and there is no surviving spouse, any amounts that would

58 have been the surviving spouse's benefits are equally divided and paid to each unmarried child
59 until the child reaches age 21.

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

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 monthly payments made to the beneficiaries of any member under
65 this section may not 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. Effective date.**

74 If approved by two-thirds of all the members elected to each house, this bill takes effect
75 upon approval by the governor, or the day following the constitutional time limit of Utah
76 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
77 the date of veto override.