

Derrin R. Owens proposes the following substitute bill:

Line-of-Duty Death Benefit Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derrin R. Owens

House Sponsor: Douglas R. Welton

LONG TITLE

General Description:

This bill modifies provisions relating to benefits resulting from a line-of-duty death.

Highlighted Provisions:

This bill:

▸ adds dental and vision benefits to the benefits available to the spouse and surviving children of a public safety employee or fire service employee who dies in the line of duty;

▸ removes the 12-month waiting period for accessing funds from the Local Public Safety and Firefighter Surviving Spouse Trust Fund to pay for the surviving spouse's and children's benefits; and

▸ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-17-201, as last amended by Laws of Utah 2017, Chapter 269

53-17-401, as last amended by Laws of Utah 2017, Chapter 269

53-17-402, as last amended by Laws of Utah 2021, Chapter 382

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, dental, and vision coverage for line-of-duty death.

(1)(a) Subject to Subsection (1)(b), and in accordance with this section, an employer

30 shall allow the surviving spouse and children of a member whose death is classified
 31 by the Utah State Retirement Office as a line-of-duty death under the provisions of
 32 Title 49, Utah State Retirement and Insurance Benefit Act, to remain eligible for [
 33 ~~health coverage under the employer's group health plan~~] the following coverage, if
 34 offered by the employer, as if the surviving spouse was an employee of the employer[:]:

35 (i) health coverage;

36 (ii) dental coverage; and

37 (iii) vision coverage.

38 [(b) ~~The employer shall pay 100% of the premium costs and, if the health coverage is a~~
 39 ~~high-deductible plan, the employer share of any contribution into a health savings~~
 40 ~~account for the surviving spouse and dependent children as described under~~
 41 ~~Subsections (1)(a) and (2), and may not require payment from the surviving spouse~~
 42 ~~for premium costs or health savings account contributions as a condition of~~
 43 ~~qualifying to continue to receive the health coverage.]~~

44 (b) Except as provided in Subsection (1)(d), the employer shall pay:

45 (i) 100% of the premium costs for the coverage described in Subsection (1)(a); and

46 (ii) if the health coverage is a high-deductible plan, the employer share of any
 47 contribution into a health savings account for the surviving spouse and dependent
 48 children as described under Subsections (1)(a) and (2).

49 (c) The employer may not require the surviving spouse to pay for premium costs or
 50 health savings account contributions as a condition of qualifying to continue to
 51 receive the coverage described in Subsection (1)(a).

52 [(e) ~~For the first 12 months after the line-of-duty death, the employer shall pay the~~
 53 ~~amount specified under Subsection (1)(b).]~~

54 (d) [~~Beginning 13 months after the line-of-duty death, an~~] An employer may pay the
 55 amount specified under Subsection (1)(b) through a cost-sharing agreement under
 56 Section 53-17-301 associated with the trust fund created under Section 53-17-401.

57 (2) An employer shall allow a surviving spouse and children to remain eligible to receive [
 58 ~~health-]coverage from the employer under this section at the option of the surviving~~
 59 ~~spouse:~~

60 (a) [~~for health coverage-]for the surviving spouse, until the surviving spouse becomes~~
 61 ~~eligible for Medicare; and~~

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

63 (3) This section does not apply to[~~a member who~~]:

64 (a) a member who does not qualify for a line-of-duty death benefit under Title 49, Utah
65 State Retirement and Insurance Benefit Act;

66 (b) coverage for which, at the time of death, the member did not receive or qualify to
67 receive[~~employer group health coverage~~]; or

68 (c) a member who is covered under Section 49-20-406.

69 Section 2. Section **53-17-401** is amended to read:

70 **53-17-401 . Local Public Safety and Firefighter Surviving Spouse Trust Fund.**

71 (1) There is created a private purpose trust fund entitled the "Local Public Safety and
72 Firefighter Surviving Spouse Trust Fund."

73 (2) The trust fund consists of:

74 (a) fees established in Subsection 53-17-402(2)(a);

75 (b) appropriations made to the fund by the Legislature, if any;

76 (c) private donations and grants; and

77 (d) other revenue received from other sources.

78 (3) The [~~Department of Public Safety~~] department:

79 (a) shall account for the receipt and expenditures of trust fund money; or

80 (b) may enter into contract with a third-party administrator to administer the fund and
81 account for the receipt and expenditure of trust fund money.

82 (4) The trust fund shall earn interest.

83 (5) The revenue and interest in the account, less actual administrative costs to the
84 department, shall be used to lower fees paid by an employer under Section 53-17-201.

85 (6) The board of trustees created in Section 53-17-402 may expend money from the trust
86 fund:

87 [~~(a) for health coverage for a surviving spouse and children under Subsection~~
88 ~~53-17-201(1)(d) by paying:~~]

89 [(i) ~~premium costs; or~~]

90 [(ii) ~~if the health coverage is a high-deductible plan, premium costs and the employer~~
91 ~~contribution to a health savings account; and]~~

92 (a) as provided in Subsection 53-17-201(1); and

93 (b) for reasonable administrative costs that the department and the board of trustees
94 incur in performing their duties for administering the trust fund.

95 (7) Money deposited into the trust fund is irrevocable and is expended only for the purposes
96 described in this chapter.

97 (8) Assets of the trust fund are dedicated for the purposes established by statute and

98 administrative rule.

99 (9) Creditors of the board of trustees and of employers liable for the benefits paid under this
100 chapter may not seize, attach, or otherwise obtain assets of the trust fund.

101 Section 3. Section **53-17-402** is amended to read:

102 **53-17-402 . Local Public Safety and Firefighter Surviving Spouse Trust Fund**

103 **Board of Trustees -- Quorum -- Duties -- Establish rates.**

104 (1)(a) There is created the Local Public Safety and Firefighter Surviving Spouse Trust
105 Fund Board of Trustees composed of four members:

- 106 (i) the commissioner of public safety or the commissioner's designee;
- 107 (ii) the executive director of the Governor's Office of Planning and Budget or the
108 executive director's designee;
- 109 (iii) one person representing municipalities, designated by the Utah League of Cities
110 and Towns; and
- 111 (iv) one person representing counties, designated by the Utah Association of
112 Counties.

113 (b) The commissioner of public safety, or the commissioner's designee, is chair of the
114 board.

115 (c) Three members of the board are a quorum.

116 (d) A member may not receive compensation or benefits for the member's service, but
117 may receive per diem and travel expenses in accordance with:

- 118 (i) Section 63A-3-106;
- 119 (ii) Section 63A-3-107; and
- 120 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and
121 63A-3-107.

122 (e)(i) The [~~Department of Public Safety~~] department shall staff the board of trustees.

123 (ii) The department shall provide accounting services for the trust fund.

124 (2) The board shall:

- 125 (a) establish rates to charge each employer based on the number of public safety service
126 employees and firefighter service employees who are eligible for the health, dental,
127 and vision coverage under this chapter;
- 128 (b) act as trustee of the trust fund and exercise the state's fiduciary responsibilities;
- 129 (c) meet at least once per year;
- 130 (d) review and approve all policies, projections, rules, criteria, procedures, forms,
131 standards, performance goals, and actuarial reports;

- 132 (e) review and approve the budget for the trust fund;
- 133 (f) review financial records of the trust fund, including trust fund receipts, expenditures,
- 134 and investments;
- 135 (g) commission and obtain financial or actuarial studies of the liabilities for the trust
- 136 fund;
- 137 (h) calculate and approve administrative expenses of the trust fund; and
- 138 (i) do any other things necessary to perform the fiduciary obligations under the trust.

139 Section 4. **Effective Date.**

140 This bill takes effect on May 7, 2025.