

**REPORT OF THE  
GENERAL GOVERNMENT,  
PERSONNEL & BENEFITS SUBCOMMITTEE**  
(Cobb-Hunter, Herbkersman, Hayes, Moss & Gagnon - Staff Contact: Ryan Tooley)

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**SENATE BILL 108**

S. 108 -- Senators Davis, Scott, Kimbrell, Climer, Senn, Young, Fanning, Reichenbach, Peeler, Alexander, Cash, Malloy, Garrett, Rice, Cromer, McElveen, Loftis, Stephens, Corbin, Campsen and Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-1770, RELATING TO PRERETIREMENT DEATH BENEFIT PROGRAMS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; AND BY AMENDING SECTION 9-11-120, RELATING TO A PRERETIREMENT DEATH BENEFIT PROGRAM UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT.

*Received by Ways and Means: 3/30/2023*

***Summary of Bill:***

This bill provides a lump sum payment to first responder's beneficiaries if the first responder is killed in the line of duty. First responders include employees or volunteers in the following positions: Emergency Medical Service Providers, Law Enforcement Officers (who meet certain requirements & are certified by the SC Law Enforcement Training Council), Fire Department Workers, Coroners, or Deputy Coroners. Employees are paid via the Preretirement Death Benefit Program (within PEBA), and volunteers are paid via the State Accident Fund. \$75,000 is paid due to a death which was the natural or proximate result of an injury by an external accident or violence incurred while undergoing a hazard peculiar to the first responder's duties. \$150,000 is paid due to a death which was in the line of duty defined as either (a) the result of an unlawful and intentional act of another person, or (b) the result of accident that occurs: During fresh pursuit, While responding to an emergency, At the scene of a traffic accident, or While enforcing a traffic law or ordinance. The lump-sum payment in this bill would be in addition to those. The payment would not be subject to subrogation, assignment, set-off or lien claims.

"THE BELOW CONSTITUTED SUMMARY IS PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND IS NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. IT IS STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND IS NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT".

***Estimated Revenue Impact:***

Based off an analysis by PEBA and research by RFA, the estimated cost would be: (A) \$750,000 for the Police Officer Retirement System (PORS), which would be a 0.02% increase annually; and, (B) \$300,000 for the South Carolina Retirement System (SCRS), which would be substantially less than 0.02% due to the magnitude of SCRS compared to PORS. The total impact on PEBA would be \$1,050,000. The fiscal impact on the State Accident Fund is undetermined. Approximately 2 to 3 line-of-duty deaths occur each year for law enforcement officers in PORS based on historical experience. Based on an occupational death-rate study, RFA estimates approximately 3 firefighter deaths and 2 emergency medical service provider deaths per year.

***Other Notes/Comments:***

21 Senators have sponsored the bill. It passed Senate Finance favorably on 3/22/23. It was amended on 3rd Reading on the Senate floor to include volunteers, EMS, and firefighters, coroners, etc. Passed the Senate: 41 Ayes to 0 Nays



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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*This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.*

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<b>Bill Number:</b>	S. 0108	Amended by the Senate on March 29, 2023
<b>Author:</b>	Davis	
<b>Subject:</b>	Death Benefits for Law Enforcement Killed in the Line of Duty	
<b>Requestor:</b>	Senate Finance	
<b>RFA Analyst(s):</b>	Miller and Jolliff	
<b>Impact Date:</b>	April 11, 2023	

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### **Fiscal Impact Summary**

This amended bill requires a lump sum payment of \$75,000 to be paid to the beneficiary of a first responder who is killed in the line of duty if certain criteria are met. The payment is increased to \$150,000 if the first responder is killed in the line of duty and the death is a result of an unlawful and intentional act of another person, or is killed while responding to an emergency or other similar incident. First responder is defined as an emergency medical services provider or volunteer provider, a law enforcement officer or volunteer officer who meets the requirements of Section 23-23-10(E)(1) and who is certified by the South Carolina Law Enforcement Training Council, a fire department worker or volunteer worker, a coroner, or a deputy coroner directly engaged in examining, treating, or directing persons during an emergency. The payments made must be from the contributions made by participating employers to the Preretirement Death Benefit Program under either the Police Officers Retirement System (PORS) or the South Carolina Retirement System (SCRS). The bill also specifies that the payments made for an emergency medical services provider volunteer, a law enforcement volunteer, or a fire department volunteer must be paid from the State Accident Fund (SAF).

Based on an analysis by the Public Employee Benefit Authority (PEBA) and research by Revenue and Fiscal Affairs, we estimate that the bill as amended will increase death benefits from PORS by approximately \$750,000 and SCRS benefits by approximately \$300,000, for a total of up to \$1,050,000 per year to the two retirement systems. These figures are based on the \$150,000 benefit and would be lower if any of the eligible deaths do not meet the requirements for the enhanced payment level. Alternatively, if any of these first responders are volunteers, this could shift responsibility of the payments of the death benefits to the SAF.

The impact on the SAF will depend on the benefit payments required. The SAF expressed concerns regarding the administration of payments for volunteers. First, it is unclear from the bill if the volunteer must be a participant in SCRS or PORS to collect the benefit payments. In order for a volunteer to be a member of either SCRS or PORS, the volunteer must have some form of earned service. The SAF stated that if being a member is a prerequisite to a volunteer qualifying for the death benefits, then no true volunteer would receive payment. However, if it is not a requirement that the individual be a participant in SCRS or PORS to collect the death benefit, there appears to be either the potential for a double recovery, or the possibility of a conflict regarding responsibility for payment of those benefits. The SAF believes that it is

possible that a volunteer could collect under both subitems 5 and 6 of 9-1-1770(D)(5) and (6)/9-11-120(E)(5) and (6) if the volunteer also happens to be a member of one of the State's retirement systems. This could either create a situation for a double recovery, or, if the statute limits the individual to a single recovery, it does not clarify the issue of whether these funds should come from the Preretirement Death Benefit Program or the SAF. Additionally, the SAF is entirely funded by premiums paid by policyholders. The bill does not provide a mechanism by which the SAF can be reimbursed for any benefits paid under these sections. Therefore, the fiscal impact on the SAF would depend on whether a mechanism is added to the bill under which SAF can be reimbursed. At this time, there is no method for generating the funds to cover these payments.

## **Explanation of Fiscal Impact**

**Amended by the Senate on March 29, 2023**

### **State Expenditure**

This amended bill requires a lump sum payment of \$75,000 to be paid to the beneficiary of a first responder who is killed in the line of duty if certain criteria are met. The payment is increased to \$150,000 if the first responder is killed in the line of duty and the death is a result of an unlawful and intentional act of another person, or the first responder is killed while responding to an emergency or other similar incident. Currently, the preretirement incidental death benefit is equal to the member's annual earnable compensation at the time of death. This bill will provide an additional \$75,000 or \$150,000 payment. The payments made must be from the contributions made by participating employers to the Preretirement Death Benefit Program under either PORS or SCRS. The bill also specifies that the payments made for an emergency medical services provider volunteer, a law enforcement volunteer, or a fire department volunteer must be paid from the SAF.

PEBA provided an actuarial analysis to determine the potential impact covering law enforcement officers and emergency medical services providers will have on PORS and SCRS. The actuarial analysis anticipates that approximately two to three line-of-duty deaths occur each year for law enforcement officers in PORS based on historical experience, which results in an increase of \$300,000 in death benefits paid for law enforcement officers. This will increase the cost of PORS by around 0.02 percent annually, which the report considers to be a minimal impact to the actuarial accrued liability, and about a 0.02 percent increase in the normal cost rate in PORS. This estimate is based on the actuarial valuation of PORS as of July 1, 2022.

PEBA does not currently have line-of-duty information for members in SCRS to determine the member's occupation. As such, the actuarial analysis assumes that the experience in SCRS for emergency medical services providers will be similar to PORS, for a potential annual cost of \$300,000 for two to three line-of-duty deaths each year. Alternatively, this would increase to \$1,200,000 if there are eight to ten line-of-duty deaths. However, since the covered payroll for SCRS is several times larger than covered payroll for PORS, the cost impact as a percentage is significantly smaller than the estimated 0.02 percent increase for PORS.

Given the limited information available, we have provided the following analysis of the potential cost of the amended bill based on our research and the information provided by PEBA.

An analysis of occupational deaths related to emergency services estimated a rate of 14.2 fatalities per 100,000 police officers, 12.7 for emergency medical services providers, and 16.5 for firefighters annually.<sup>1</sup> Currently, there are approximately 15,089 Class 1, 2, and 3 law enforcement officers based on data from the SC Criminal Justice Academy. The SC Office of State Fire Marshall reports that there are approximately 18,500 firefighters employed in SC, including volunteer and paid firefighters. Further, the Department of Health and Environmental Control reported approximately 12,328 emergency medical technicians. Based on these rates and the above employment levels, we would estimate approximately 2 law enforcement deaths, 3 firefighter death, and 2 emergency medical services provider deaths per year.

From these figures, we would estimate that the bill as amended will increase death benefits from PORS by approximately \$750,000 and SCRS benefits by approximately \$300,000, for a total of up to \$1,050,000 per year to the two retirement systems. These figures are based on the \$150,000 benefit and would be lower if any of the eligible deaths do not meet the requirements for the enhanced payment level. However, if any of these first responders are volunteers, this could shift responsibility of the payments of the death benefits to the SAF.

The SAF expressed concerns regarding the administration of payments for volunteers. First, it is unclear from the bill if the volunteer must be a participant in SCRS or PORS to collect the benefit payments. The SAF believes that it is possible that a volunteer could collect under both subitems 5 and 6 of 9-1-1770(D)(5) and (6)/9-11-120(E)(5) and (6). If it is not a requirement that the individual be a participant in SCRS or PORS to collect the death benefit, there appears to be a possibility for the beneficiary of a person who is a member and a volunteer to receive a double the death benefits, or the possibility of a conflict regarding responsibility for payment of those benefits. This could either create a situation for a double recovery, or, if the statute limits the individual to a single recovery, it does not clarify the issue of whether these funds should come from the Preretirement Death Benefit Program or the SAF.

Ultimately, the impact on the SAF will depend on the benefit payments required. Additionally, the SAF is entirely funded by premiums paid by policyholders. The bill does not provide a mechanism by which the SAF can be reimbursed for any benefits paid under these sections. Therefore, the fiscal impact would depend on whether a mechanism is added to the bill under which SAF can be reimbursed. At this time, there is no method for generating the funds to cover these payments.

#### **State Revenue**

N/A

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<sup>1</sup> Maguire, et. al. *Occupational fatalities in emergency medical services: a hidden crisis*, *Annals of Emergency Medicine*, 2022 Dec; ;40(6):625-32. doi: 10.1067/mem.2002.128681. Retrieved March 28, 2023, <https://pubmed.ncbi.nlm.nih.gov/12447340/>

**Local Expenditure**

N/A

**Local Revenue**

N/A

**Introduced on January 10, 2023**

**State Expenditure**

This bill requires an employer who participates in the Preretirement Death Program to pay the beneficiary of a law enforcement officer who is killed in the line of duty a lump sum payment of \$75,000. The payment is increased to \$150,000 if the officer is killed in the line of duty and the death is a result of an unlawful and intentional act of another person, or the officer is killed while responding to an emergency or other similar incident. Currently, the preretirement incidental death benefit is equal to the member's annual earnable compensation at the time of death. This bill will provide an additional \$75,000 or \$150,000 payment.

PEBA provided an actuarial analysis to determine the potential impact this bill will have on PORS. The report assumes that all law enforcement officers who would be eligible for these death benefits are covered through PORS and that there will be no measurable impact to the South Carolina Retirement System. This analysis anticipates that approximately two to three line of duty deaths occur each year, which results in an increase of \$300,000 in death benefits paid. This will increase the cost of PORS by around 0.02 percent annually, which the report considers to be a minimal impact to the actuarial accrued liability, and about a 0.02 percent increase in the normal cost rate in PORS. This estimate is based on the actuarial valuation of PORS as of July 1, 2022.

**State Revenue**

N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A



Frank A. Rainwater, Executive Director

**South Carolina General Assembly**  
125th Session, 2023-2024

**S. 108**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Davis, Scott, Kimbrell, Climer, Senn, Young, Fanning, Reichenbach, Peeler, Alexander, Cash, Malloy, Garrett, Rice, Cromer, McElveen, Loftis, Stephens, Corbin, Campsen and Adams

Document Path: SR-0110KM23.docx

Introduced in the Senate on January 10, 2023

Introduced in the House on March 30, 2023

Last Amended on March 29, 2023

Currently residing in the Senate

Summary: Death Benefits for Law Enforcement Killed in the Line of Duty

**HISTORY OF LEGISLATIVE ACTIONS**

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
11/30/2022	Senate	Prefiled
11/30/2022	Senate	Referred to Committee on <b>Finance</b>
1/10/2023	Senate	Introduced and read first time (Senate Journal-page 62)
1/10/2023	Senate	Referred to Committee on <b>Finance</b> (Senate Journal-page 62)
2/8/2023		Scrivener's error corrected
3/22/2023	Senate	Committee report: Favorable <b>Finance</b> (Senate Journal-page 7)
3/24/2023		Scrivener's error corrected
3/28/2023	Senate	Read second time (Senate Journal-page 74)
3/29/2023	Senate	Amended (Senate Journal-page 21)
3/29/2023	Senate	Read third time and sent to House (Senate Journal-page 21)
3/29/2023	Senate	Roll call Ayes-41 Nays-0 (Senate Journal-page 21)
3/30/2023	House	Introduced and read first time (House Journal-page 23)
3/30/2023	House	Referred to Committee on <b>Ways and Means</b> (House Journal-page 23)
3/31/2023		Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[11/30/2022](#)

[02/08/2023](#)

[03/22/2023](#)

[03/24/2023](#)

03/29/2023

03/31/2023



1 ~~Indicates Matter Stricken~~

2 Indicates New Matter

3

4 AS PASSED BY THE SENATE

5 March 29, 2023

6

**S. 108**

7 Introduced by Senators Davis, Scott, Kimbrell, Climer, Senn, Young, Fanning, Reichenbach, Peeler,  
8 Alexander, Cash, Malloy, Garrett, Rice, Cromer, McElveen, Loftis, Stephens, Corbin, Campsen and  
9 Adams

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11 S. Printed 03/29/23--S.

[SEC 3/31/2023 2:40 PM]

12 Read the first time January 10, 2023

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**A BILL**

11 TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-1770,  
12 RELATING TO PRERETIREMENT DEATH BENEFIT PROGRAMS UNDER THE SOUTH  
13 CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW  
14 ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE  
15 AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT  
16 PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; AND  
17 BY AMENDING SECTION 9-11-120, RELATING TO A PRERETIREMENT DEATH BENEFIT  
18 PROGRAM UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE  
19 FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF  
20 DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL  
21 RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE  
22 REVENUE FOR THE PAYMENT.

23 Amend Title To Conform

24

25 Be it enacted by the General Assembly of the State of South Carolina:

26

27 SECTION 1. Section 9-1-1770(D) of the S.C. Code is amended to read:

28

29 ~~(D)(1) RESERVED For the purposes of this subsection, "law enforcement officer" means a person~~  
30 ~~who meets the requirements of Section 23-23-10(E)(1) of the S.C. Code of Laws and who is certified~~  
31 ~~by the South Carolina Law Enforcement Training Council. For the purposes of this subsection, the term~~  
32 "first responder" means an emergency medical services provider or volunteer provider, a law  
33 enforcement officer or volunteer officer who meets the requirements of Section 23-23-10(E)(1) of the  
34 S.C. Code of Laws and who is certified by the South Carolina Law Enforcement Training Council, a  
35 fire department worker or volunteer worker, a coroner, or a deputy coroner directly engaged in  
36 examining, treating, or directing persons during an emergency.

37 (2) Upon receipt by the system of the satisfactory proof of death of a member of the system whose  
38 employer participates in the Preretirement Death Benefit Program and whose death was a natural and  
39 proximate result of an injury by external accident or violence incurred while undergoing a hazard  
40 peculiar to the member's employment as a first responder while in the actual performance of his duty,  
41 provided that his death is not the result of the member's willful negligence, suicide, or intentionally  
42 self-inflicted bodily injury, there must be paid to the member's designated beneficiary a one-time, lump  
43 sum benefit payment of seventy-five thousand dollars.

1 (3) The amount of the benefit provided for in item (2) is increased to a total of one hundred fifty  
2 thousand dollars if the member is killed in the line of duty as defined above and the member's death is  
3 either:

4 (a) the result of an unlawful and intentional act of another person; or

5 (b) the result of an accident that occurs:

6 (i) as a result of the member's response to fresh pursuit, defined as the pursuit of a person  
7 who has committed or is reasonably suspected of having committed a felony, misdemeanor, traffic  
8 infraction, or violation of a county or municipal ordinance;

9 (ii) as a result of the member's response to what is reasonably believed to be an emergency;

10 (iii) at the scene of a traffic accident to which the member has responded; or

11 (iv) while the member is enforcing what is reasonably believed to be a traffic law or  
12 ordinance.

13 (4) Payments made pursuant to this subsection must be paid to the beneficiary designated for this  
14 benefit by the member in writing and filed with the system during the member's lifetime. If no  
15 designation is made, then the payment must be paid to the member's surviving spouse. If there is no  
16 surviving spouse, the payment must be paid to the member's surviving children in equal portions. If  
17 there is no surviving spouse or child, the benefit is payable to the member's surviving parents in equal  
18 portions. If a beneficiary is not designated and there is no surviving child, spouse, or parent, then the  
19 sum must be paid to the member's estate. The payments required by this subsection are in addition to  
20 any other benefit set forth in this chapter or otherwise in law, including worker's compensation, and  
21 are exempt from the claims and demands of creditors of the member.

22 (5) Payments made pursuant to this subsection must be paid from the contributions made by  
23 participating employers to the Preretirement Death Benefit Program. Notwithstanding any other  
24 provision of law, the board may adjust the required contributions to the Preretirement Death Benefit  
25 Program as necessary to fund these benefits on the basis of the program's actual experience and the  
26 recommendation of the system's actuary.

27 (6) Payments made pursuant to this subsection to a beneficiary of an emergency medical services  
28 provider volunteer, a law enforcement officer volunteer, or a fire department volunteer must be paid  
29 from the State Accident Fund with a verification and disbursement process identical to the manner in  
30 items (2) through (4).

31 (7) Any benefits paid pursuant to this subsection are not subject to subrogation, assignment, set-  
32 off, or lien claimed pursuant to Section 42-1-560.

33  
34 SECTION 2. Section 9-11-120(E) of the S.C. Code is amended to read:

35  
36 (E)(1) ~~[Reserved]~~ For the purposes of this subsection, "law enforcement officer" means a person

1 ~~who meets the requirements of Section 23-23-10(E)(1) of the S.C. Code of Laws and who is certified~~  
2 ~~by the South Carolina Law Enforcement Training Council. For the purposes of this subsection, the term~~  
3 ~~'first responder' means an emergency medical services provider or volunteer provider, a law~~  
4 ~~enforcement officer or volunteer officer who meets the requirements of Section 23-23-10(E)(1) of the~~  
5 ~~S.C. Code of Laws and who is certified by the South Carolina Law Enforcement Training Council, a~~  
6 ~~fire department worker or volunteer worker, a coroner, or a deputy coroner directly engaged in~~  
7 ~~examining, treating, or directing persons during an emergency.~~

8 ~~(2) Upon receipt by the system of the satisfactory proof of death of a member of the system whose~~  
9 ~~employer participates in the Preretirement Death Benefit Program and whose death was a natural and~~  
10 ~~proximate result of an injury by external accident or violence incurred while undergoing a hazard~~  
11 ~~peculiar to the member's employment as a first responder while in the actual performance of his duty,~~  
12 ~~provided that his death is not the result of the member's willful negligence, suicide, or intentionally~~  
13 ~~self-inflicted bodily injury, there must be paid to the member's designated beneficiary a one-time, lump~~  
14 ~~sum benefit payment of seventy-five thousand dollars.~~

15 ~~(3) The amount of the benefit provided for in item (2) is increased to a total of one hundred fifty~~  
16 ~~thousand dollars if the member is killed in the line of duty as defined above and the member's death is~~  
17 ~~either:~~

18 ~~(a) the result of an unlawful and intentional act of another person; or~~

19 ~~(b) the result of an accident that occurs:~~

20 ~~(i) as a result of the member's response to fresh pursuit, defined as the pursuit of a person~~  
21 ~~who has committed or is reasonably suspected of having committed a felony, misdemeanor, traffic~~  
22 ~~infraction, or violation of a county or municipal ordinance;~~

23 ~~(ii) as a result of the member's response to what is reasonably believed to be an emergency;~~

24 ~~(iii) at the scene of a traffic accident to which the member has responded; or~~

25 ~~(iv) while the member is enforcing what is reasonably believed to be a traffic law or~~  
26 ~~ordinance.~~

27 ~~(4) Payments made pursuant to this subsection must be paid to the beneficiary designated for this~~  
28 ~~benefit by the member in writing and filed with the system during the member's lifetime. If no~~  
29 ~~designation is made, then the payment must be paid to the member's surviving spouse. If there is no~~  
30 ~~surviving spouse, the payment must be paid to the member's surviving children in equal portions. If~~  
31 ~~there is no surviving spouse or child, the benefit is payable to the member's surviving parents in equal~~  
32 ~~portions. If a beneficiary is not designated and there is no surviving child, spouse, or parent, then the~~  
33 ~~sum must be paid to the member's estate. The payments required by this subsection are in addition to~~  
34 ~~any other benefit set forth in this chapter or otherwise in law, including worker's compensation, and~~  
35 ~~are exempt from the claims and demands of creditors of the member.~~

36 ~~(5) Payments made pursuant to this subsection must be paid from the contributions made by~~

1 participating employers to the Preretirement Death Benefit Program. Notwithstanding any other  
2 provision of law, the board may adjust the required contributions to the Preretirement Death Benefit  
3 Program as necessary to fund these benefits on the basis of the program's actual experience and the  
4 recommendation of the system's actuary.

5 (6) Payments made pursuant to this subsection to a beneficiary of an emergency medical services  
6 provider volunteer, a law enforcement officer volunteer, or a fire department volunteer must be paid  
7 from the State Accident Fund with a verification and disbursement process identical to the manner in  
8 items (2) through (4).

9 (7) Any benefits paid pursuant to this subsection are not subject to subrogation, assignment, set-  
10 off, or lien claimed pursuant to Section 42-1-560.

11  
12 SECTION 3. This act takes effect upon approval by the Governor.

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