

Department of Legislative Services  
Maryland General Assembly  
2009 Session

FISCAL AND POLICY NOTE  
Revised

Senate Bill 711

(Senator Mooney, *et al.*)

Budget and Taxation

Appropriations

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Trooper Tobin Triebel Memorial Act

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This bill authorizes the Secretary of State Police and the Secretary of Budget and Management to award death benefits and funeral expenses to dependents of deceased State employees under specified circumstances. The bill also requires the Secretary of Budget and Management to offer certain State employees the option of purchasing additional life insurance.

The bill takes effect July 1, 2009. The death benefit provisions terminate after December 31, 2009. The life insurance provisions apply to policies issued or renewed on or after October 1, 2009.

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Fiscal Summary

**State Effect:** General fund expenditures increase by at least \$178,500 in FY 2010, not including a maximum of \$10,000 in funeral costs. One additional death benefit payment in FY 2010 is not expected to exhaust the general funds budgeted for this purpose. Revenues are not affected. Allowing the specified employees to purchase additional life insurance does not affect State finances.

**Local Effect:** None.

**Small Business Effect:** None.

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## Analysis

### Bill Summary:

#### *Death Benefits for State Police Employees*

The Secretary of State Police may award the surviving spouse, child, dependent parent, or estate of an active police employee a death benefit of up to \$125,000 (the benefit provided may be adjusted by any change in the preceding year's Consumer Price Index (CPI) and must be paid and funded in the same manner as death benefits for other State employees) and funeral expenses of up to \$10,000; the Secretary of Budget and Management may award an additional death benefit of up to \$50,000.

Individuals are eligible for this award if, on or after November 1, 2008, they were active police employees in good standing with the Department of State Police (DSP) and they died while participating in off-duty training exercises directly related to maintaining fitness for duty as police employees with DSP. These provisions remain effective for a period of six months and terminate on January 1, 2010.

#### *Voluntary Life Insurance for State Employees*

The bill requires the Secretary of Budget and Management to include an option to purchase up to \$200,000 of additional life insurance for employees who:

- fly in a helicopter in the course of their employment with the State;
- scuba dive in the course of their employment with the State; or
- as a result of their employment with the State, face a significant likelihood of receiving a less favorable life insurance rating than other State employees.

The bill applies only to policies and contracts for life insurance coverage issued on or renewed by the State Employee and Retiree Health and Welfare Benefits Program (State plan) on or after October 1, 2009.

### Current Law:

#### *Death Benefits for State Employees*

The Department of Public Safety and Correctional Services (DPSCS) is required to pay a death benefit to the surviving spouse, child, dependent parent, or estate of each of the following individuals who is killed or dies in the performance of duties: (1) a law enforcement officer; (2) a correctional officer; (3) a volunteer or career firefighter or rescue squad member; (4) a sworn member of the State Fire Marshal's Office; (5) a

public safety aviation employee; or (6) a Maryland resident who was a member of the uniform services of the United States serving in the Afghanistan or Iraq conflict. Reasonable funeral expenses, of up to \$10,000, must be paid to the same persons.

Beginning in fiscal 2009, the \$125,000 death benefit is adjusted annually by the Consumer Price Index. From July 1, 2008 through June 30, 2009, the adjusted death benefit totals \$128,500.

A death benefit under these provisions is in addition to: (1) any workers' compensation benefits; (2) the proceeds of any form of life insurance, regardless of who paid the premiums; and (3) the funeral benefit provided under these provisions. The funeral benefit must be reduced by the amount of any paid and related workers' compensation benefits. Payments of death or funeral benefits must be made out of money that the Governor includes for that purpose in the State budget.

The circumstances under which an individual who dies from a heart attack or stroke is presumed to have died in the performance of duties, including that the heart attack or stroke occurred: (1) while the individual was engaged in specified stressful activity; (2) while on duty after such activity; or (3) no later than 24 hours after such activity. The presumption is not overcome by competent medical evidence to the contrary.

An additional death benefit of \$50,000 must be paid by the Department of Budget and Management (DBM) to the survivors of a public safety employee of the State who is killed in the performance of duties. Local government public safety employees are not covered under this provision. In a typical year, DBM makes no more than one or two such payments.

An individual who receives a death benefit under this provision may not also receive the \$100,000 death benefit otherwise paid to State employees. The \$50,000 death benefit must be in addition to any: (1) workers' compensation benefits; (2) proceeds of any form of life insurance; (3) benefit provided to a State employee covered by DPSCS; and (4) with a certain exception, benefits paid to a member of the Maryland National Guard, the member's estate, or the member's beneficiaries or survivors by the United States.

Chapter 519 of 2008 created a line-of-duty death benefit for members of the Employees' Retirement System, Employees' Pension System, Teachers' Retirement System, or Teachers' Pension System who are killed while performing their duties. The law also entitles surviving minor children and dependent parents of State employees who receive the death benefit to join the State Employee and Retiree Health and Welfare Benefits Program. Effective June 1, 2008, Chapter 519 applies retroactively to any individual who died on or after January 1, 2007, as an employee of the State Highway Administration and meets the law's criteria for the line-of-duty death benefit.

Members of the State Police Retirement System, the Law Enforcement Officers' Pension System, and the Correctional Officers' Retirement System are entitled to special line-of-duty death benefits for (1) the member's accumulated contributions; and (2) an amount equal to the member's annual compensation at the time of his or her death if the member has at least one year of eligible service. Beneficiaries who receive only lump sum death benefits are not eligible to participate in the State's employee and retiree health insurance program.

The surviving spouse of a member of either the Employees' Pension System or the Teachers' Pension System is entitled to an annual allowance if the member was eligible to retire, had at least 25 years of eligibility service, or was at least 55 years old and had 15 years of eligibility service.

#### *Voluntary Life Insurance for State Employees*

The Secretary of Budget and Management administers the State Employee and Retiree Health and Welfare Benefits Program and specifies the types of benefit options included in the State plan as well as the types or categories of State employees and retirees who are eligible to participate.

**Background:** Maryland State Police flight paramedic First Sgt. Tobin Triebel, 39, of New Market was struck by a tree-trimming truck while jogging on November 7, 2008. He was airlifted to a nearby hospital, where he died. Sergeant Triebel, a 13-year veteran of DSP, was vacationing with his family in Hillsborough, North Carolina at the time. He was the Aviation Command Training supervisor and had previously worked as the Western Region supervisor, overseeing the Frederick and Cumberland aviation sections. He is survived by his wife and two teenage daughters.

#### *Voluntary Life Insurance for State Employees*

DBM advises that employees pay the premium for voluntary term life insurance coverage and the State provides no subsidy. DBM also advises that there is no rate action that could be taken by the vendor as a result of this change to the contract and there do not appear to be any contract or compliance issues. Thus, there is no impact on the State plan. According to DBM, an estimated 150 employees may be eligible to purchase this additional insurance.

**State Fiscal Effect:** The fiscal 2010 budget for DPSCS includes \$945,000 to cover the death benefits for seven public safety employees. DPSCS also has approximately \$4.7 million available for the retroactive award of death benefits for public safety personnel and members of the military who died in the conflicts in Iraq and Afghanistan. DPSCS has paid a total of five public safety employee death benefits to date in fiscal 2009.

The bill's provisions are applied retroactively to qualifying deaths occurring on or after November 1, 2008. Assuming that only one police employee of DSP, Sgt. Triebel, qualifies for this death benefit before December 31, 2009, this bill increases DPSCS public safety employee death benefit payments by \$128,500 in fiscal 2010, not including a maximum of \$10,000 in funeral costs or CPI adjustment, which is expected to be negligible. Payment of this death benefit also qualifies the survivor for the \$50,000 death benefit payment from DBM. Accordingly, this bill increases State public safety death benefit payments by at least \$178,500 in fiscal 2010. The increase in expenditures for one additional death benefit claim can be absorbed within existing resources of DPSCS. Each additional claim increases expenditures by at least \$178,500.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Budget and Management, Department of Natural Resources, Department of State Police, Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - March 10, 2009  
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