

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 712

(Senator Mooney, *et al.*)

Budget and Taxation

Appropriations

Trooper Tobin Triebel Benefits Memorial Act

This bill authorizes the Secretary of State Police, on a case-by-case basis, to award a public safety death benefit if: (1) at the time of death, the decedent was a police employee in good standing with the Department of State Police (DSP), or a civilian pilot employed by DSP; and (2) the decedent died while participating in off-duty training exercises directly related to maintaining fitness for duty as a police employee or civilian pilot. The bill is applied retroactively to a police employee or civilian pilot employed by DSP who dies while participating in off-duty training exercises on or after November 1, 2008.

Fiscal Summary

State Effect: General fund expenditures increase by at least \$178,500 in FY 2010. One additional death benefit payment paid or encumbered in FY 2010 is not expected to exhaust the general funds budgeted for this purpose. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: 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, not exceeding \$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.

Background: Maryland State Police flight paramedic First Sgt. Tobin Triebel, 39, of New Market was struck while jogging on November 7, 2008 by a tree-trimming truck. He was airlifted to a nearby hospital, where he died, police said. Sergeant Triebel, a 13-year veteran of DSP, was vacationing with his family in Hillsborough, N.C. 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.

Death Benefits for State Employees

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 Act 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 Act'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.

State Fiscal Effect: The proposed State budget for DPSCS includes approximately \$900,000 in funding to cover the death benefits for seven public safety employees. As shown in **Exhibit 1**, over the last three years, death benefits for public safety employees paid out by DPSCS ranged from \$0.5 million in fiscal 2006 to \$1.4 million in fiscal 2007.

Exhibit 1
Public Safety Death Benefit Payments
Fiscal 2006-2008

<u>Fiscal</u>	<u>Number of Claims</u>	<u>Number of Claims Paid</u>	<u>Number Outstanding</u>	<u>Amount Paid</u>	<u>Amount Outstanding</u>
2006	8	8	0	\$534,616	\$0
2007	14	14	0	1,350,394	0
2008	9	7	2	896,926	270,000

Thus far in fiscal 2009, DPSCS has paid a total of five public safety employee death benefits and DBM has paid two to State employees killed in the performance of duties.

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 referenced would qualify for this death benefit before the end July 1, 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. 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.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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