

# Legislative Analysis

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## HEALTH BENEFITS FOR SURVIVORS OF SAFETY OFFICERS WHO DIE IN THE LINE OF DUTY

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**House Bill 4821 (Substitute H-1)**  
**Sponsor: Rep. Kathy Angerer**

**House Bill 4822 (Substitute H-1)**  
**Sponsor: Rep. Barb Byrum**

**House Bill 4823 (Substitute H-1)**  
**Sponsor: Rep. Mike Nofs**  
**Committee: Intergovernmental, Urban, and Regional Affairs**

### First Analysis (6-14-07)

**BRIEF SUMMARY:** Each of the bills would specify that in the case of public safety officers who die in the line-of-duty, the state would provide the surviving spouse and the officer's dependents health insurance comparable to the insurance coverage the officer was receiving before his or her death.

**FISCAL IMPACT:** Each of the bills would have an indeterminate fiscal impact on state and local governments. See *FISCAL INFORMATION*, below, for further detail.

### **THE APPARENT PROBLEM:**

Since 2000, there have been 32 Michigan public safety officers who have lost their lives in the line-of-duty. See *BACKGROUND INFORMATION* below. The last death occurred on February 9, 2005; however, in 2004 there were eight deaths recorded in Michigan.

Michigan has created the Public Safety Officers Benefit Fund within the state's General Fund, to provide compensation to the dependents of public safety officers killed or permanently and totally disabled in the line of duty. Under the act, the state currently pays a one-time \$25,000 benefit for the care of a public safety officer permanently and totally disabled in the line of duty or to the family of an officer killed in the line of duty.

Generally, the surviving family members of fallen officers receive continued medical benefits if their family member was working with an employment contract in which "next of kin healthcare" was guaranteed upon death. Occasionally, however, health insurance is canceled immediately after the public safety officer's death. For example, when Deputy Kevin Sherwood was hit by a drunk driver traveling in the wrong lane without headlights on the night of October 3, 2003 in Clare County, he was killed instantly. The morning after his death, his widow and three young children were informed their health insurance coverage would be cancelled since Deputy Sherwood's employment contract contained a provision that terminated health insurance, in the event a deputy left the sheriff's department. Officials in Clare County, acknowledging the burden of this

contract provision, extended the surviving family's health care coverage four years. However, their health insurance is soon set to expire.

Legislation has been introduced to ensure that the surviving family members of a fallen public safety officer continue to receive health care coverage after an officer's death.

### ***THE CONTENT OF THE BILLS:***

Each of the bills would amend the Public Safety Officers Benefit Act (MCL 28.632), an act that provides compensation to dependents of public safety officers killed or permanently and totally disabled in the line of duty. The bills would specify that in the case of public safety officers who die in the line of duty, the state would provide the surviving spouse and the officer's dependents health insurance comparable to the insurance coverage the officer was receiving before his or her death. Coverage would cease for the spouse or the dependent if either qualified for comparable health insurance from another provider, and for a dependent upon one of the following whichever was later: a) on his or her 18<sup>th</sup> birthday, or b) if the dependent were enrolled as a fulltime student in high school or at an accredited university or college, then on his or her 26<sup>th</sup> birthday.

House Bill 4821 would apply to firefighters. House Bill 4822 would apply to law enforcement officers. House Bill 4823 would apply to emergency first responders.

The bills also would specifically add "emergency first responder" to the list of officers who qualify under the definition of "public safety officer," and would provide a definition of "emergency first responder" by referring to Section 20950 of the Public Health Code, under which such professionals are licensed. Currently "public safety officer" includes law enforcement officers, firefighters, rescue squad members, and ambulance crew members.

### ***BACKGROUND INFORMATION:***

For further information about the 534 fallen officers in Michigan, visit the website of the Officer Down Memorial Page, Inc. at <http://www.ODMP.org>. Select "About the Officers" from the information toolbar. Then to locate information about Michigan's fallen officers, select "By State" from the drop-down menu, and click on Michigan.

### ***FISCAL INFORMATION:***

Each of the bills would have an indeterminate fiscal impact on state and local governments. The current cost for health insurance for each State Police trooper is about \$12,500 per year, the cost for each enlisted State Police law enforcement officer other than a trooper is about \$16,000 per year, and the cost for local level police officers and firefighters is about \$12,600 per year. The cost for local level police officers and firefighters is based on a survey of three Michigan counties, taking the average of the

three costs paid by the counties. No data is available for emergency first responders other than police officers and firefighters.

An average of five claims has been paid from the Public Safety Officers Benefit Program each year since the program began in 2004. Based on this average, the initial cost of the these bills could be anywhere from about \$63,000 to \$80,000 per year, depending on if the police officers, firefighters, and emergency first responders killed or permanently disabled in the line of duty are state employees or local government employees or a combination of both. These costs would increase each year when more survivors of police officers, firefighters, and emergency first responders killed or permanently disabled in the line of duty would apply for and receive the health insurance benefits. Also, the costs of health insurance coverage would probably increase each year. It is unknown how many surviving spouses would keep receiving these benefits until they qualify for other comparable health insurance from another provider or until surviving dependents reach their 18<sup>th</sup> birthday, or 26<sup>th</sup> birthday if they are college students.

***ARGUMENTS:***

***For:***

As a spokesman for the Michigan Professional Fire Fighters Union testified, there are very few professions that require one to risk one's life on a daily basis. Those who choose such professions, learn to live with the risk. However, their spouses and children do not have the opportunity to accept or reject that risk.

When public safety officers assume risk, they do so on behalf of the community at-large, working as they do to preserve the health, safety, and welfare of all its citizens. To acknowledge their dedication and ultimate sacrifice, the citizens of a community should protect a fallen officer's survivors by easing their loss and financial burden.

In the event an officer is killed or loses his or her life in the line-of-duty, their survivors should continue to receive health care coverage from an insurance policy that is comparable to the health care benefits the officer's family was receiving before his or her death. To do otherwise would compound the tragedy of the family's loss.

(As noted earlier, surviving family members of fallen officers typically receive continued medical benefits under employment contracts but occasionally, however, health insurance is canceled after the public safety officer's death.)

These bills would ensure that the surviving family members of local police officers, fire fighters, emergency medical technicians, and first responders who lose their lives in the line-of-duty continue to receive health care insurance.

***Response:***

While these are good bills, they should be amended so they apply retroactively. According to committee testimony, there are two (and perhaps more) surviving families of recently fallen police officers in Michigan who have had their health care benefits cancelled after the officers' deaths. As these bills are now drafted, they would go into

effect upon their enactment—providing health care coverage for the families of future fallen officers. To ensure health insurance for the few families who currently struggle without health care coverage, or with the threat that their coverage will be terminated soon, these bills would have to be amended so they went into effect before those officers' deaths.

***POSITIONS:***

The Michigan Association of Counties supports the bills. (6-12-07)

The Michigan Professional Fire Fighters Union supports the bills. (6-12-07)

The Michigan Commission on Law Enforcement Standards supports the bills. (6-12-07)

The Police Officers Association of Michigan supports the bills. (6-12-07)

The Fraternal Order of Police supports the bills. (6-12-07)

Mi-COPS supports the bills. (6-12-07)

The Michigan Sheriff Association supports the bills. (6-12-07)

The Michigan State Police are neutral on the bills. (6-12-07)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.