

**SFA**

BILL ANALYSIS

**RECEIVED**

Senate Fiscal Agency

• Lansing, Michigan 48909 •

(517) 373-5383 JUN 06 1989

MICH. State Law Library

Senate Bill 47

Sponsor: Senator George Z. Hart

Committee: State Affairs, Tourism, and Transportation

Date Completed: 5-4-89

SUMMARY OF SENATE BILL 47 as introduced 1-11-89:

The bill would create a new act to provide survivor benefits to children of certain public safety officers killed during an act of duty and to create within the Department of Treasury the Public Safety Officers' Surviving Children Fund, which would be funded by annual appropriations by the Legislature. The term "public safety officer" would apply to law enforcement officers and regularly employed or volunteer fire fighters, except persons who serve as fire fighters solely by virtue of occupying another office or position.

Specifically, the bill would provide for an annual survivor benefit of \$5,000 to be paid on September 1 of each year to a child of an eligible public safety officer who died during or following the fiscal year ending on September 30, 1987, as a direct and proximate result of personal injury sustained while engaged in an "act of duty", i.e. an act arising out of or in the course of the officer's work responsibilities or pertinent or incidental to them, regardless of time or place. To be eligible for the benefit, the child would have to be a natural, illegitimate, adopted, or posthumous offspring of a deceased public safety officer or his or her surviving spouse. The child also would have to be or have been 18 years old or less at the time of the officer's death and, except for posthumous children, substantially reliant for support on the income of the officer.

The annual benefit could not be paid to a child after he or she became 18 years old but if the child turned 18 before the September 1 payment, the child would receive that portion of the payment that would have accrued if the payment had been made in equal monthly installments. The benefit would not be subject to offset by any other benefit payable from any other source, garnishment, execution, attachment or State or local taxation.

The annual benefit would not be paid to a surviving child if the death of the officer were caused by the intentional misconduct of the officer or by the officer's intention to bring about his or her own death, if the voluntary intoxication of the officer by alcohol, drugs, or other substances were the proximate cause of his or her death, or if the child's actions were a substantial

S.B. 47 (5-4-89)

contributing factor in the officer's death.

The Department of Treasury would be required to determine eligibility for survivor benefits and to administer the bill. A claimant who was dissatisfied with a determination of the Department would be entitled to an administrative hearing under the Administrative Procedures Act.

A surviving parent or guardian of a child who claimed that the child was eligible for a survivor benefit would be required to file a claim with the Department not later than August 1 of the fiscal year following the date of the officer's death. A claim could be filed on behalf of the child claiming eligibility by the law enforcement agency or fire department that employed the officer at the time of his or her death. The Department for good cause could extend the time for filing for up to one year after the date of the officer's death. If a claim were not made in accordance with the bill, the surviving child would be barred from receiving a survivor benefit.

If the Department determined upon a showing of need and before taking final action on a claim, that the surviving child would probably be paid a survivor benefit, the Department could make an interim benefit payment of up to \$3,000 per child to the parent or guardian of the child entitled to the benefit. The amount of the payment would be deducted from the amount of the benefit paid from the Fund for that fiscal year on behalf of the child. If the Department determined that the child was not entitled to a survivor benefit, the parent or guardian of the child would be liable for repayment of the amount of the benefit paid. The Department, however, could waive all or part of the repayment, taking into consideration any hardship that would result if the repayment were required.

Legislative Analyst: L. Burghardt

#### FISCAL IMPACT

The bill would result in an indeterminate increased cost to State government.

This would be a new program and the cost to the State would depend on the amount specifically appropriated in the budget process. The amount of funding required to implement the bill would depend on the number of eligible public safety officers who lost their lives in the line of duty, and the number of surviving children under 18 years old. This information is not available at this time. Also, estimated increased costs to the Department of Treasury to administer the program are not available at this time.

Fiscal Analyst: G. Cutler

#### S8990\S47SA

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.