

FINAL BILL REPORT

E2SSB 5322

C 226 L 96

Synopsis as Enacted

Brief Description: Providing a death benefit award.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Gaspard, Roach, McDonald, Rinehart, Heavey, Johnson, Franklin, Loveland, West and Winsley).

Senate Committee on Ways & Means

House Committee on Appropriations

Background: Law enforcement officers and fire fighters hired prior to October 1977 are members of the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) Plan I, and those hired after October 1977 are members of LEOFF Plan II. Commissioned officers of the Washington State Patrol are members of the Washington State Patrol Retirement System (WSPRS).

The surviving spouse of a member of LEOFF Plan I or of the WSPRS receives an allowance equal to 50 percent of the average final salary (AFS) of the member, plus 5 percent of the AFS for each child up to a total of 60 percent of the AFS. If there is no surviving spouse, the surviving children receive an allowance equal to 30 percent of AFS for the first child, plus 10 percent for each additional child up to a total of 60 percent of AFS, divided equally among the children.

The surviving spouse of a member of LEOFF Plan II who dies with less than ten years of service receives a refund of accrued contributions plus interest. If the member had ten or more years of service at the time of death or was eligible to retire, the surviving spouse, or children if there is no spouse, may choose a refund of contributions plus interest or a monthly allowance. The monthly allowance is 2 percent of AFS for each year of service, actuarially reduced from age 55 and actuarially adjusted to reflect a joint and 100 percent survivor option.

Members of LEOFF Plan II and WSPRS are covered under workers' compensation insurance; members of LEOFF Plan I are not. The spouse and children of a worker covered by workers' compensation receive a benefit when death results from an injury during the course of the worker's employment. The benefit for a surviving spouse with no children is an allowance equal to 60 percent of the worker's gross wages; for a surviving spouse with one child the allowance is equal to 62 percent of gross wages. The percentage increases by 2 percent for each additional child, up to a maximum of 70 percent of gross wages. The total benefit is capped at 110 percent of the state's average monthly wage until July 1995, when it increases to 115 percent of the average monthly wage; it increases again July 1996 to 120 percent of the average monthly wage. The current maximum is \$2,338.22 per month. In addition, a \$2,000 burial expense and an immediate payment of \$1,600 are provided.

The federal government provides a death benefit to public safety officers, including state and local law enforcement officers and fire fighters. The Public Safety Officer Benefit is provided for death from injuries sustained in the line of duty. The benefit in 1994 was \$127,499. It is increased each year based on inflation.

Summary: Law enforcement officers and fire fighters who are members of LEOFF Plans I and II and members of the WSPRS receive a benefit of \$150,000 for dying as a result of injuries sustained in the course of employment. The Department of Labor and Industries determines eligibility for the benefit. The benefit is paid from the retirement funds. The Joint Committee on Pension Policy must study the provision of a similar death benefit for volunteer fire fighters and reserve law enforcement officers by December 1, 1996.

Votes on Final Passage:

Senate	36	6	
House	95	1	(House amended)
Senate	38	6	(Senate concurred)

Effective: March 28, 1996