

HB 1212 - S COMM AMD

By Committee on Labor, Commerce & Consumer Protection

ADOPTED 04/13/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that the current
4 system of stopping payment of industrial insurance death benefits to
5 surviving spouses upon the remarriage of the surviving spouse may be
6 based on archaic notions that are not in-line with modern society.
7 Many pension programs, including the law enforcement officers' and
8 firefighters' retirement system, have removed the remarriage
9 prohibition and allow surviving spouses to continue to receive benefits
10 after remarriage. The legislature further finds that some surviving
11 spouses of law enforcement officers' and firefighters' retirement
12 system members have expressed concerns that terminating benefits upon
13 remarriage penalizes the spouse for moving on with his or her life.
14 The legislature declares that it is time to study the policy of
15 terminating industrial insurance death benefits upon remarriage of the
16 surviving spouse and determine whether changes need to be made to the
17 workers' compensation system.

18 (2) The workers' compensation advisory committee must study the
19 current practice of terminating industrial insurance death benefits
20 upon remarriage of the surviving spouse of a law enforcement officers'
21 and firefighters' retirement system member. The study must address the
22 following:

23 (a) The reasons behind the policy of terminating death benefits
24 upon remarriage of the surviving spouse;

25 (b) Potential costs to the workers' compensation system if
26 industrial insurance death benefits are continued after remarriage of
27 the surviving spouse of a law enforcement officers' and firefighters'
28 retirement system member, and potential costs if this policy were
29 applied to all workers;

1 (c) Methods to offset potential costs, including providing a
2 reduced benefit if the surviving spouse chooses to receive benefits for
3 life;

4 (d) How workers' compensation death benefits are administered in
5 other states and whether any state continues these benefits after
6 remarriage; and

7 (e) Such other items the workers' compensation advisory committee
8 deems necessary.

9 (3) The workers' compensation advisory committee must report its
10 findings to the appropriate committees of the legislature by December
11 1, 2010.

12 (4) This section expires January 1, 2011."

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13 On page 1, line 3 of the title, after "system;" strike the
14 remainder of the title and insert "creating a new section; and
15 providing an expiration date."

EFFECT: Requires the Workers' Compensation Advisory Committee to study issues relating to allowing a surviving spouse to continue to receive industrial insurance death benefits after remarriage. The committee must consider potential costs to the workers' compensation system as a whole and as it relates to providing this benefit to LEOFF members only. The committee must also study how other states administer their workers' compensation death benefits and ways to offset costs in this state. A report must be given to the legislature by December 1, 2010.

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