

# HOUSE BILL REPORT

## E2SSB 5322

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### As Reported By House Committee On:

Appropriations

**Title:** An act relating to a death benefit award for certain law enforcement officers, fire fighters, and commissioned employees of the Washington state patrol who die in the line of duty.

**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).

**Brief History:**

**Committee Activity:**

Appropriations: 2/26/96 [DP].

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### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass. Signed by 26 members: Representatives Huff, Chairman; Clements, Vice Chairman; H. Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Cooke; Dellwo; Dyer; Foreman; Jacobsen; Kessler; Lambert; Linville; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Silver; Smith; Talcott and Wolfe.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Crouse and Hickel.

**Staff:** Elissa Benson (786-7191).

**Background:** Law enforcement officers and firefighters 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. 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. The allowance is divided equally among the children.

The surviving spouse of a member of LEOFF Plan II who dies with less than 10 years of service receives a refund of accrued contributions plus interest. If the member had 10 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 either 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, and 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, and 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. The benefit 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 firefighters. 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 of Bill:** Law enforcement officers and firefighters who are members of the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) Plans I and II, volunteer fire fighters, members of the Washington State Patrol Retirement System (WSPRS), fisheries patrol officers, and wildlife agents receive a benefit of \$150,000 for dying as a result of injuries sustained in the course of employment. The death benefit award is not paid from retirement funds.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** A version of this bill was reviewed by the Legislature last year and several problems with the bill were identified. The current bill does not include a retroactivity clause. Volunteer firefighters were included because they face the same hazards as career firefighters. The new bill addresses the Legislature's past concerns.

**Testimony Against:** None.

**Testified:** Jimmy Casen, Washington State Council of Fire Fighters; and Otto Jensen, Washington Association of Fire Chiefs.