

SENATE BILL REPORT

SB 5322

As Reported By Senate Committee On:
Ways & Means, February 1, 1995

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: Senators Gaspard, Roach, McDonald, Rinehart, Heavey, Johnson, Franklin, Loveland, West and Winsley.

Brief History:

Committee Activity: Ways & Means: 1/31/95, 2/1/95 [DPS].

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5322 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Finkbeiner, Fraser, Hargrove, Johnson, Long, McDonald, Moyer, Roach, Sheldon, Snyder, Strannigan, Sutherland and Winsley.

Staff: Denise Graham (786-7715)

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 of Substitute Bill: Law enforcement officers and fire fighters who are members of the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) Plans I and II, 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 will not be paid from retirement funds.

Substitute Bill Compared to Original Bill: The substitute bill extends a death benefit award to fisheries patrol officers and wildlife agents, in addition to members of LEOFF and the WSPRS. The original bill was unclear as to whether the benefit was to be paid from retirement funds or other funds; the substitute clarifies that the death benefit will not be paid from retirement funds.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The outpouring of support for the fire fighters who died recently in Seattle was tremendous. The citizens of this state would support providing greater economic security for the families of fire fighters and police. Fire fighters are regularly exposed to dangerous and life-threatening situations. They place their lives on the line to protect the lives and property of citizens of this state. This bill would at least show minimal support for what they do. Most police officers who are killed in the line of duty are young with young families, and need to have greater economic security for their families. Wildlife and fisheries officers support this bill and would like to be added to it. They face the same dangers as other law enforcement officers, go through the same training, face the same standards and requirements.

Testimony Against: None.

Testified: PRO: Howard Vietzke, Washington State Council of Fire Fighters; John Gillis, fire fighter; Michael McGovern, Washington State Patrol; Mike Patrick, Washington State Council of Police Officers; Bill Hanson, Washington State Patrol Trooper Association; Ron Peregrin, Fish and Wildlife Officers.