

# HOUSE BILL REPORT

## ESHB 1445

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### As Passed House:

March 6, 2009

**Title:** An act relating to domestic partners under the Washington state patrol retirement system.

**Brief Description:** Providing benefits to domestic partners under the Washington state patrol retirement system.

**Sponsors:** House Committee on Ways & Means (originally sponsored by Representatives Simpson, O'Brien, Van De Wege, Goodman, Sullivan, Hunt, Ormsby, Conway and Santos).

### Brief History:

#### Committee Activity:

Ways & Means: 2/17/09, 2/24/09 [DPS].

#### Floor Activity

Passed House: 3/6/09, 60-35.

### Brief Summary of Engrossed Substitute Bill

- Permits domestic partners registered under the State Registered Domestic Partnership Act to receive the survivor and death benefits available to spouses from the Washington State Patrol Retirement System.

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## HOUSE COMMITTEE ON WAYS & MEANS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives Linville, Chair; Ericks, Vice Chair; Cody, Conway, Darneille, Haigh, Hunt, Hunter, Kagi, Kenney, Kessler, Pettigrew, Seaquist and Sullivan.

**Minority Report:** Do not pass. Signed by 8 members: Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler, Hinkle, Priest, Ross and Schmick.

**Staff:** David Pringle (786-7310)

### Background:

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The Washington State Patrol Retirement System (WSPRS) covers all commissioned officers of the Washington State Patrol (WSP). Members of the WSPRS may retire at age 55 or after 25 years of service at any age. There are two tiers of benefits in WSPRS: Plan 1, which was closed on December 31, 2002, and Plan 2, which has covered all new fully commissioned officers of the WSP that received their commissions after that date.

Chapter 156 of the Laws of 2007 created a state domestic partnership registry at the Office of the Secretary of State (OSOS), and extended certain property, probate, intestacy, and health care powers and rights to state-registered domestic partners.

The WSPRS pays certain retirement and death benefits to the surviving spouses of its members. For the surviving spouses of members of WSPRS Plan 1 that are either married to the member from the date of retirement until death, or for at least two years prior to the member's death, an allowance is paid equal to 50 percent of the average final salary of the member. This survivor allowance is increased by 5 percent for up to two of the member's surviving unmarried children under the age of 18, up to a maximum survivor benefit of 60 percent of final average salary. At retirement, a WSPRS Plan 1 member may also select an actuarially reduced benefit that adds an annual increase of up to 3 percent per year to the survivor benefits payable at death. For the survivors (spouses or others designated by the member) of members of WSPRS Plan 2, optional actuarially-equivalent survivor benefits may be chosen at retirement, in lieu of the member's earned retirement allowance being payable only during the member's life.

Spouses of WSPRS members that die in the line of duty without designating a beneficiary are the recipients of a \$150,000 death benefit and in some circumstances a refund of member contributions, which in the absence of a spouse would be paid to the legal representative of a deceased member's estate.

The surviving spouse of a WSPRS member who is killed in the line of duty is eligible to purchase health care benefits from the Public Employees' Benefits Board (PEBB) and receive reimbursement for the cost of participating in the PEBB health insurance plan.

The surviving spouse or children of a member of WSPRS that leaves state employment and dies while serving in the Uniformed Services of the United States may apply to purchase service credit from the Department of Retirement Systems for service credit for the period between the date that the member left service and the date of death.

#### **Summary of Engrossed Substitute Bill:**

“Domestic partners” are defined for purposes of the WSPRS as two adults that have registered as domestic partners according to the requirements of the State Registered Domestic Partnership Act.

Domestic partners are eligible for survivor and death benefits under the same circumstances as spouses from the WSPRS retirement system.

Domestic partners, as well as spouses and children, may apply for service credit for the period between the date that the member left service and the date of death where a member

of WSPRS that left state employment died while serving in the Uniformed Services of the United States.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) There is a definition in State Patrol Retirement Systems for a lawful spouse that qualifies a spouse for particular spousal benefits. This needs to be updated to also recognize registered domestic partners. This bill is a catch-up, and should be available to our members who need it. It is the right thing to do, and the Chief supports this bill.

(Opposed) None.

**Persons Testifying:** Rick Jensen and Tom Pillow, Washington State Patrol Troopers Association; Diane Perry, Washington State Patrol; and Steve Sutton, Washington State Patrol Lieutenants Association.

**Persons Signed In To Testify But Not Testifying:** None.