

# SENATE BILL REPORT

## SHB 1194

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As Reported by Senate Committee On:  
Commerce & Labor, March 25, 2015

**Title:** An act relating to the death benefits of a surviving spouse of a member of the law enforcement officers' and firefighters' retirement system or the state patrol retirement system.

**Brief Description:** Addressing the death benefits of a surviving spouse of a member of the law enforcement officers' and firefighters' retirement system or the state patrol retirement system.

**Sponsors:** House Committee on Labor (originally sponsored by Representatives Kirby, Holy, Van De Wege, Hayes, Stokesbary, Fitzgibbon and Bergquist; by request of LEOFF Plan 2 Retirement Board).

**Brief History:** Passed House: 3/04/15, 89-9.

**Committee Activity:** Commerce & Labor: 3/25/15 [DP-WM].

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### SENATE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Hasegawa, Ranking Minority Member; Conway, Keiser, King and Warnick.

**Staff:** Mac Nicholson (786-7445)

**Background:** The Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) provides retirement, disability, and death benefits to law enforcement officers and firefighters. Similarly the Washington State Patrol Retirement System (WSPRS) provides retirement, disability, and death benefits to commissioned officers of the Washington State Patrol.

Workers injured in the course of employment are entitled to industrial insurance benefits. If death results from the injury, the surviving spouse receives a monthly benefit based on the wages of the deceased spouse. If the surviving spouse remarries, the benefit is discontinued, and the spouse may choose to receive a lump sum of 24 times the monthly rate, or have the monthly benefit resume if the remarriage is terminated. In 2010 legislation was enacted increasing the lump sum option for surviving spouses of a member of LEOFF and WSPRS to 36 times the monthly rate.

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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.*

**Summary of Bill:** A new benefit is created for surviving spouses under the LOEFF Plan 2 and WSPRS systems. The benefit is payable to surviving spouses who are ineligible to receive the surviving spouse benefit under the state industrial insurance program because of remarriage. The amount of the benefit is equal to the industrial insurance benefit the surviving spouse would have received but for the remarriage, less an actuarially reduced amount if the spouse elected to receive a lump sum payment prior to the remarriage.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: There are approximately seven spouses who have had their benefit terminated because of remarriage. The remarriage prohibition has been in the workers compensation statutes since the 1950s. The remarriage prohibitions in the pension statutes have been removed, so there are inconsistent policies depending on the sources of revenue for the benefits. A worker who has not been in the pension system very long may only receive a minimal LEOFF benefit, and a more significant benefit under the industrial insurance system. Spouses should be able to remarry without the burden of losing benefits.

**Persons Testifying:** PRO: Dick Warbrouck, Retired Firefighters of WA; Steve Nelsen, LEOFF Plan 2 Retirement Board; Jolin Lowry, widow of Officer William Lowry; Renee Maher, Council of Metropolitan Police and Sheriffs, Executive Director; Jeff Bickford, Law Enforcement Officer; Dennis Robinson, Deputy, Pierce County Sheriff; Chandra Brady, Olympia Police Dept.; Tamara Bernard, Rhea Marshall, Vanessa Walsh, citizens.

**Persons Signed in to Testify But Not Testifying:** No one.