

SENATE BILL REPORT

SB 6479

As Reported By Senate Committee On:
Commerce & Labor, February 2, 1998

Title: An act relating to payment of industrial insurance awards after death.

Brief Description: Prescribing procedures for payment of industrial insurance awards after death.

Sponsors: Senators Patterson, Heavey, Schow and Roach.

Brief History:

Committee Activity: Commerce & Labor: 1/29/98, 2/2/98 [DPS].

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: That Substitute Senate Bill No. 6479 be substituted therefor, and the substitute bill do pass.

Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Fraser, Heavey and Newhouse.

Staff: Jack Brummel (786-7428)

Background: Washington's industrial insurance code defines "child" as a child under 18, or under 23 while a fulltime student, unless the child is a dependent as a result of a physical, mental, or sensory handicap.

If a worker is entitled to industrial insurance benefits but dies before receiving a payment, current law allows only the surviving spouse, or the child or children if there is no surviving spouse, to receive the payment.

Summary of Substitute Bill: If there is no surviving spouse and no child or children at the time of death of a person entitled to an industrial insurance payment, the amount of the award or monthly payment must be paid according to the terms of the decedent's will, if there is one, or the state's statute controlling distribution of assets for those who die without a will. The department or self-insurer may send the final payment in the decedent's name to the last known address of the decedent.

Substitute Bill Compared to Original Bill: The substitute bill makes technical corrections and provides that the department or self-insurer may send the final payment in the decedent's name to the last known address of the decedent.

Appropriation: None.

Fiscal Note: Requested on January 23, 1998.

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

Testimony For: This will close a loophole in the law. It will ensure that payments due up to the time of death will be collected by the heirs. The funds should not accrue to the state.

Testimony Against: None.

Testified: PRO: Senator Patterson, prime sponsor; Suzanne Majer, L&I; Robby Stern, WA State Labor Council; Clif Finch, AWB.