

# HOUSE BILL ANALYSIS

## HB 2414

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**Title:** An act relating to death benefits for school employees.

**Brief Description:** Providing death benefits for school employees.

**Sponsors:** Representatives Stensen, Carlson, Keiser, Talcott, Santos, Quall, Haigh, Schual-Berke, Rockefeller, O'Brien, Edwards, Lantz, Ogden and Bush.

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### HOUSE COMMITTEE ON EDUCATION

**Meeting Date:** January 24, 2000.

**Bill Analysis Prepared by:** Charlie Gavigan (786-7340)

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**Background:** When a public school teacher dies prior to retirement, the teacher's family or estate generally receives death benefits through the Teacher's Retirement System, may receive life insurance benefits if a life insurance policy is provided through the employer, and may receive social security benefits. As with workers throughout the state, if a teacher dies as the result of a job related injury, the teacher's family or estate generally is entitled to death benefits under the state's industrial insurance (workers' comp) laws.

The doctrine of sovereign immunity generally means the state must specifically allow itself to be subject to legal claims. The state subjects itself to tort claims (actions claiming state negligence), although certain procedures must be followed to initiate such claims. Other types of claims must be authorize by statute to be valid. Claims against the state typically must be reported to the Department of General Administration.

The legislature has authorized a \$150,000 death benefit paid from retirement funds if certain law enforcement officers, firefighters, volunteer firefighters or reserve officers, and certain security officers are killed in the line of duty.

The state's 1999-2001 Operating Budget establishes a \$150,000 death benefit if a teacher is killed in the course of employment. The determination of eligibility for the benefit is made by the Department of Labor and Industries under industrial insurance criteria. The department then notifies the Department of General Administration if a teacher's estate is determined to be eligible for the death benefit. The death benefit is treated as a sundry (miscellaneous) claim against the state. The Department of General Administration reports to the legislature on sundry claims; the legislature funds the claims it agrees to be valid in the next operating budget bill. There is no statute authorizing a death benefit claim for teachers against the state.

**Summary of Bill:** A death benefit claim is established when a public school employee is killed in the course of employment if the biennial operating budget in effect at the time of death provides for such a death benefit for the estate of any public school employee. The amount of the death benefit is determined by the applicable operating budget. The determination of eligibility for the benefit is made by the Department of Labor and Industries under industrial insurance criteria. The department then notifies the Department of General Administration if the employee's estate is determined to be eligible for the death benefit. The death benefit is treated as a sundry (miscellaneous) claim against the state.

**Appropriation:** None.

**Fiscal Note:** Requested.

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