

# HOUSE BILL REPORT

## HB 2419

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**As Reported by House Committee On:**  
Appropriations

**Title:** An act relating to calculating the retirement allowance of a member of the law enforcement officers' and fire fighters' retirement system plan 2 who is killed in the course of employment.

**Brief Description:** Calculating the retirement allowance of a member of the law enforcement officers' and fire fighters' retirement system plan 2 who is killed in the course of employment.

**Sponsors:** Representatives Simpson, G., Delvin, Cooper, Hinkle, Chase, Morrell and Conway.

**Brief History:**

**Committee Activity:**

Appropriations: 1/26/04, 2/3/04 [DP].

**Brief Summary of Bill**

- Removes the early retirement reduction on the survivor benefit paid to a member of the Law Enforcement Officers' and Fire Fighters' Retirement System, Plan 2 who is killed in the course of employment.

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### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass. Signed by 27 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander, Anderson, Boldt, Buck, Chandler, Clements, Cody, Conway, Cox, Dunshee, Grant, Hunter, Kagi, Kenney, Kessler, Linville, McDonald, McIntire, Miloscia, Ruderman, Schual-Berke, Sump and Talcott.

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

**Background:**

All members of the Law Enforcement Officers' and Fire Fighters' Retirement System, Plan 2 (LEOFF 2) are eligible for normal retirement at age 53, and early retirement

beginning at age 50. Several death benefits are payable to LEOFF 2 members who die while in active service.

One of the death benefits paid to a member of LEOFF 2 is a survivor benefit paid to the spouse or eligible survivor. The amount of this survivor benefit is the greater of: 1) the member's accumulated contributions, or if the member has 10 or more years of service, 150 percent of the member's accumulated contributions; 2) or the member's earned retirement benefit, reduced for payment in the form of a survivor benefit and also reduced from the LEOFF 2 normal retirement age to the member's age at death. The survivor of a LEOFF 2 member who dies as a result of injuries sustained in the course of employment is also eligible for a \$150,000 lump-sum death benefit.

A workers' compensation death benefit may also be payable from the Department of Labor and Industries (L&I) for death resulting from injury sustained in the course of employment. A lump sum benefit may be payable from the L&I for burial expenses, as well as a monthly benefit of 60 percent of gross wages up to 120 percent of the state's average wage.

Chapter 155, Laws of 2003 (SHB 1519) provides that members of the Public Employees' Retirement System, the School Employees' Retirement System, and the Teachers' Retirement System killed in the course of employment are not subject to early retirement reductions.

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**Summary of Bill:**

The survivor benefit paid from a member's earned retirement benefit to survivors of LEOFF 2 members killed in the course of employment is not subject to an early retirement actuarial reduction.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** This bill was unanimously recommended by the LEOFF 2 Board. The proposal is very similar to the Teachers' Retirement System and Public Employees' Retirement System proposals that were adopted by the Legislature last year. We urge your support of this bill.

**Testimony Against:** None.

**Persons Testifying:** Kelly Fox, Washington State Council of Fire Fighters.

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