

HOUSE BILL REPORT

HB 1545

As Passed House:
February 15, 2008

Title: An act relating to industrial insurance death benefits for the surviving spouses of law enforcement officers.

Brief Description: Providing industrial insurance benefits for life for the surviving spouses of law enforcement officers.

Sponsors: By Representatives Kirby, Ericks and Ormsby.

Brief History:

Committee Activity:

Commerce & Labor: 2/1/08, 2/4/08 [DP].

Floor Activity:

Passed House: 2/15/08, 94-0.

Brief Summary of Bill

- Allows surviving spouses of the Law Enforcement Officers' and Fire Fighters' Retirement System Plan who are eligible for death benefits under the Industrial Insurance Act to continue to receive the benefit monthly for life.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass. Signed by 8 members: Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse, Green, Moeller and Williams.

Staff: Alison Hellberg (786-7152).

Background:

Workers injured in the course of employment, or their dependents in the case of death of the worker, may receive various benefits under the Industrial Insurance Act (Act). Compensatory benefits (time-loss, pension, and survivor benefits) for injured workers or their surviving beneficiaries are based on the monthly wages that the worker was receiving from all

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employment at the time of injury. If a surviving spouse remarries, benefits are discontinued at the end of the month in which remarriage occurs.

The Law Enforcement Officers' and Fire Fighters' Retirement System Plan 1 (LEOFF 1) provides retirement and disability benefits to law enforcement officers and fire fighters who entered eligible employment between 1969 and 1977. Since 1977 eligible law enforcement officers and fire fighters have entered LEOFF 2. In certain situations, survivors of a member who dies in the line of duty are eligible to receive retirement benefits. A surviving spouse continues to receive these retirement benefits if he or she remarries.

Summary of Bill:

The surviving spouses of the LEOFF retirement plan shall continue to receive death benefits monthly for life regardless of whether they remarry. This applies to remarriages entered into on or after the effective date of the Act.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This issue was recently considered by the LEOFF Board because some of their members identified the policy inconsistencies between the LEOFF retirement benefits and industrial insurance death benefits. This archaic piece of language needs to be removed. It was likely written a long time ago, probably by a man, and reflects the old-fashioned thinking that once a woman gets remarried, her new husband will take care of her. It is embarrassing that it is still included in the state's laws.

This bill would allow widows to remarry without being re-victimized. It would allow them to move on with their lives and find happiness. This bill would also allow the Department of Labor and Industries to save on administrative costs. This is a benefit fathers left to their children. They were willing to do this work because they knew that if something happened to them, their families would be taken care of.

The LEOFF Board is very interested in this issue. Anywhere this prohibition against remarriage exists in pension statutes, the state has systematically gone through and removed these types of provisions. The LEOFF Board did not take a formal position on this bill because they did not know about the cost.

(Opposed) The Department of Labor and Industries opposes the bill, not out of lack of compassion and sympathy for those who have testified today, but because of the workers'

compensation system generally. This creates a special policy for one group that is not available to all. This is an appropriate matter for a larger policy discussion to have with stakeholders and other surviving spouses receiving death benefits.

Persons Testifying: (In support) Representative Kirby, prime sponsor; Jolin Lowig, Consolidated #28 District; Rosathe Underwood, Concerns of Police Survivors, Inc.; and Steve Nelsen, LEOFF 2 Board.

(Opposed) Vickie Kennedy, Department of Labor and Industries.

Persons Signed In To Testify But Not Testifying: None.